TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~197~~. 2 2 113

WILLIAM CUSHING, IN THE ...
EXECUTORS OF NICHOLAS ...
A. JOHNSON, EXECUTRIX OF ...
ARD, ESTHER M. PETTIBONE ...
THOMAS PETTIBONE, JR., ...
M. PETTIBONE, EXECUTRIX OF ...
DECEASED, APPELLANTS,

vs.

... TOWNSEND, J. P. SIBLEY ...
... JOHNSON, GARNISHEES.

APPEAL FROM THE UNITED STATES ...
DISTRICT OF MINNESOTA.

FILED JUNE 18, 1878.

March 15 1879 Filed.

Argued February 28. 1882

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES

No. ~~197.~~ 112 and 113

JOHN N. CUSHING AND WILLIAM CUSHING, IN THEIR OWN RIGHT AND AS EXECUTORS OF NICHOLAS JOHNSON, DECEASED, MARY A. JOHNSON, EXECUTRIX OF HENRY JOHNSON, DECEASED, KETURAH M. PRITCHARD, ADMINISTRATRIX OF THOMAS PRITCHARD, JR., DECEASED, AND ELIZABETH H. PRITCHARD, EXECUTRIX OF WILLIAM PRITCHARD, DECEASED, APPELLANTS,

vs.

JOHN LAIRD, THE YOUNGER, J. P. GIRAUD FOSTER, AND JAMES THOMSON, GARNISHEES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

FILED JUNE 12, 1879.



SUPREME COURT OF THE UNITED STATES.

No. 197.

JOHN N. CUSHING AND WILLIAM CUSHING, IN THEIR OWN RIGHT AND AS EXECUTORS OF NICHOLAS JOHNSON, DECEASED, MARY A. JOHNSON, EXECUTRIX OF HENRY JOHNSON, DECEASED, KETURAH M. PRITCHARD, ADMINISTRATRIX OF THOMAS PRITCHARD, JR., DECEASED, AND ELIZABETH H. PRITCHARD, EXECUTRIX OF WILLIAM PRITCHARD, DECEASED, APPELLANTS,

VS.

JOHN LAIRD, THE YOUNGER, J. P. GIRAUD FOSTER, AND JAMES THOMSON, GARNISHEES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

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United States of America—Southern District of New York, *ss.:*

JOHN N. CUSHING *et al.*,
Libellants and Appellees,
vs.
JOHN LAIRD, THE YOUNGER.

FOSTER & THOMSON,
Garnishees' Appellants.

I, George F. Betts, clerk of the District Court of the United States of America, for the Southern District of New York, do hereby certify that the writings annexed to this certificate are true copies of their respective originals, on file, and remaining of record in my office.

In testimony whereof, I have caused the seal of the said Court to be hereunto affixed, at the city of New York, in the Southern District of New York, this twenty-third day of October, in the year of our Lord one thousand eight hundred and seventy , and of the Independence of the said United States the one hundred and .

[SEAL.] GEO. F. BETTS,
Clerk.

J. LANGDON WARD,
Pro. Libts. and Appellees.
R. D. BENEDICT,
Advocate.
FOSTER & THOMSON,
for Garnishees, in pro. per. Appellants.
E. H. OWEN, } *Advocates for*
T. C. T. BUCKLEY, } *Appellants.*

In the District Court of the United States for the Southern District of New York.

JOHN N. CUSHING and WILLIAM CUSHING
vs.
JOHN LAIRD, THE YOUNGER.

In Admiralty.

To the Hon. Samuel Blatchford, Judge of the District Court of the United States, for the Southern District of New York:

John N. Cushing and William Cushing, both of Newburyport, in the Commonwealth of Massachusetts, merchants, exhibit this their libel against John Laird, the younger, of Birkenhead, in the kingdom of England, shipbuilder, in a cause of spoliation and damage, civil and maritime.

And thereupon the said libellants allege and articulately propound as follows, to wit:

FIRST.—That at and before the time of the several trespasses hereinafter mentioned, the said libellants were the true and lawful owners of the ship Sonora, a duly registered American ship.

SECOND.—That heretofore and on or about the 26th day of December, which was in the year one thousand eight hundred and sixty-three, the said ship was on a lawful voyage from Hong Kong, in China, bound to Akyab, in British India, under charter to C. F. Webert and Company, of London, England, to load at Akyab, aforesaid, with merchandise for Europe.

THIRD.—That on the day and year aforesaid, to wit: the 26th day of December, 1863, the said ship, then being on the high seas, and within the flux and reflux thereof, and engaged in the peaceable prosecution of a lawful voyage as aforesaid, in latitude 3° north and longitude 101° east, or thereabouts, in the Straits of Malacca, was overtaken by a certain armed vessel called the Alabama, theretofore by the said John Laird, the younger, wrongfully and in direct violation of the laws of the Kingdom of Great Britain, built, fitted out, and equipped for the purpose of preying upon and piratically destroying vessels and property of citizens of these United States, and at that time, as these libellants are informed and believe, purporting to be commanded by one Raphael Semmes.

FOURTH.—That the said Semmes thereupon, against the protests and remonstrances of the master of the said Sonora, with violence and force of armed men, the said piratical vessel, the Alabama, or however otherwise designated, lying within gunshot, and the crew of said ship, Sonora, being unarmed and resistance being impracticable, took possession of the said ship, the Sonora, plundered, and then burned and utterly destroyed her.

FIFTH.—That by reason of the said acts of plunderage and violence committed by the said armed piratical cruiser, called the Alabama, built, fitted out, and equipped by the said John Laird, the younger, of Birkenhead, England, shipbuilder, in violation of law, and with the intent and purpose that she should be engaged in acts of piracy, plunder, and destruction on the high seas, to the wrong, prejudice, and

damage of peaceful men, engaged in lawfully navigating the same with their ships and merchandise, as aforesaid, these libellants have sustained damages, as follows, that is to say:

For the value of the said ship, eighty-five thousand and eight hundred dollars, and for the value of the charter of said ship, thirty-three thousand two hundred and forty-four dollars, in all one hundred and nineteen thousand and forty-four dollars ($119,044).

SIXTH.—That all and singular the premises are true and within the Admiralty and Maritime jurisdiction of the United States, and of this Honorable Court.

Whereupon the libellants pray that a warrant of arrest, in due form of law, according to the course of Courts of Admiralty, and the rules and practice of this Honorable Court in civil causes of Admiralty and Maritime jurisdiction, may issue against the said John Laird, the younger, and that he may be required to appear and answer on oath this libel, and all and singular the matters aforesaid, and if he cannot be found, that his goods and chattels, and if none be found, that his credits and effects in the hands of Foster & Thomson, and in the hands of the Assistant Treasurer of the United States, in the City of New York (known as the proceeds of the Steamship Wren, or otherwise), garnishees may be attached to the amount sued for and costs. And that this Honorable Court would be pleased to decree the payment of the damages sustained by the libellants with costs, and that they may have such other and further relief as in law and justice they may be entitled to receive.

JOHN N. CUSHING,
WILLIAM CUSHING.

Per pro J. LANGDON WARD.

J. LANGDON WARD,
Proctor.

United States of America,
Southern District of New York. } *ss.*

On the 16th day of September, A.D. 1868, before me personally appeared J. Langdon Ward, of the City of New York, and being by me duly sworn, made oath that he is proctor for the above named libellants; that the said libellants do not and neither of them does reside in the Southern District of New York, or within one hundred miles thereof, and are not and neither of them is at present within the said Southern District of New York, or within one hundred miles thereof to the knowledge of deponent; that he is authorized by said libellants to verify the foregoing libel, and that the same is true.

J. LANGDON WARD.

Subscribed and sworn to before me this 16th day of September, A.D., 1868.

JOHN A. OSBORN,
U. S. Com'r.

(ENDORSED.)
22 : 299.

D. C. U. S. S. D. N. Y.

JOHN N. CUSHING and WILLIAM CUSHING
agst.
JOHN LAIRD, THE YOUNGER. } Libel.

J. LANGDON WARD,
Proctor for Libellants, 192 *Broadway*.

Let process with clause of foreign attachment issue against the respondent pursuant to the prayer of the within Libel.
N. Y., Sept. 16th, 1868.

SAM'L BLATCHFORD,
D. J.

Filed Sept. 16th, 1868.

The President of the United States of America.

To the Marshal af the Southern District of New York: Greeting.

[L. S.] *Whereas*, a Libel has been filed in the District Court of the United States of America, for the Southern District of New York, on the sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, by

JOHN N. CUSHING and WILLIAM CUSHING
agst.
JOHN LAIRD, THE YOUNGER.

In a certain action, civil maritime, for spoliation and damage therein alleged to be due to the said libellants, amounting to one hundred and nineteen thousand and forty-four dollars, and praying that a citation may issue against the said respondent with clause of foreign attachment, pursuant to the rules and practice of this Court: Now, therefore, we do hereby empower, and strictly charge and command you, the said Marshal, that you cite and admonish the said respondent, if he shall be found in your District, that he be and appear before the said District Court on the twenty-second day of September inst., at the United States Court Rooms, in the City of New York, then and there to answer the said libel, and to make his allegations in that behalf; and if the said respondent cannot be found, that you attach his goods and chattels to the amount sued for, and if such property cannot be found, that you attach his credits and effects to the amount sued for, in the hands of Foster & Thomson and the Assistant Treasurer of the United States, his garnishees; and have you then and there this writ, with your return theron.

Witness, the Hon. Samuel Blatchford, Judge of said Court, this 16th day of September, in the year of our Lord one thousand eight hundred and sixty-eight, and of our Independence the ninety-third.

J. LANGDON WARD, *Proctor.*

GEO. F. BETTS, *Clerk.*

Respondent not found, attached his credits and effects, in the hands of H. H. Van Dyck, Assistant Treasurer of the United States, and Messrs. Foster & Thomson.

September 22d, 1868.

R. MURRAY,
U. S. Marshal.

Pursuant to an order made and entered in this cause on Saturday, the 27th day of November, A.D. 1869, I hereby make the following amended return to the within process, viz.: Respondent not found within this District; no goods or chattels belonging to respondent found within this District; I have, therefore, attached the credits and effects of the respondent in the hands of Foster & Thomson, his garnishees, on the 16th day of September, 1868, by exhibiting to J. P. Giraud Foster, one of said garnishees, the original process, and leaving with him, at the office of said garnishees, at No. 69 Wall Street, in the City of New York, a copy thereof, and I have also attached the credits and effects of the respondent in the hands of H. H. Van Dyck, Assistant Treasurer of the United States, in the City of New York, by exhibiting to him the original process and leaving with him a copy thereof, at his office in the U. S. Treasury Buildings, in said City of New York.

R. MURRAY,
late U. S. Marshal, S. D. N. Y.

December 10, 1869.

Pursuant to an order made and entered in this cause, on Saturday, the second day of April, A.D., 1870, I hereby make the following amended return to the annexed process, viz.:

Respondent not found within this District; no goods or chattels belonging to respondent found within this District; therefore on the sixteenth day of September, A.D. 1868, I attached the credits and effects of the respondent, in the hands of Foster & Thomson, his garnishees, by exhibiting to J. P. Giraud Foster, one of said garnishees, on the said sixteenth day of September, A.D. 1868, the original process, and leaving with him personally at the office of said garnishees, number 69 Wall Street, in the City of New York, on that day, a copy of said original process; and I, also, on the said sixteenth day of September, A.D. 1868, attached the credits and effects of the said respondent, in the hands of H. H. Van Dyck, Assistant Treasurer of the United States, in the City of New York, by exhibiting to the said H. H. Van Dyck on that day the said original process, and by leaving with him personally on that day, at his office in the United

States Treasury Building, in the City of New York, a copy of said original process.

R. MURRAY,
late U. S. Marshal.

Dated New York, April 8th, 1870.
Filed April 12th, 1870, within amended return.

(ENDORSED.)
Vol. 22, No. 299.

United States District Court.

JOHN N. CUSHING *et als.*
vs.
JOHN LAIRD, THE YOUNGER.

Process *in personam*, with Clause of Foreign Attachment.

Per Curiam.

Returnable Sept. 22d, 1868.

J. LANGDON WARD,
Proctor for Lib's.

Filed September 29th, 1868.
Filed Dec. 14th, 1869.

I hereby depute E. Witherell to execute the within process.
Dated, Sept. 16th, 1868.

ROBT. MURRAY,
U. S. Marshal.

Amended return to within process, filed December 11th, 1869.
E. 183.

At a Stated Term of the District Court of the United Sates of America, for the Southern District of New York, held at the United States Court Rooms, in the City of New York, on Tuesday, the 29th day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

BLATCHFORD.

Present:

The Hon. SAMUEL R. BETTS,
District Judge.

JOHN N. CUSHING *and al.*
vs.
JOHN LAIRD, THE YOUNGER.

On motion of J. Langdon Ward, Proctor for libellants, no one appearing to oppose, it is ordered that the libellants have leave to file an amended libel in the above entitled action, and that a supplemental process issue herein, ret'ble Nov. Term.

SAMUEL BLATCHFORD,
District Judge.

(ENDORSED.)
Vol. 22, No. 299.

United States Dist. Court for the Southern District of New York.

JOHN N. CUSHING *and al.*
vs.
JOHN LAIRD, THE YOUNGER.

Order for leave to file amended libel, and for supplemental process ret'ble Nov. Term.

J. LANGDON WARD,
Proctor for Libellants.

Filed the 29th day of September, 1868.

In the District Court of the United States for the Southern District of New York.

JOHN N. CUSHING and WILLIAM CUSHING
vs.
JOHN LAIRD, THE YOUNGER.
} Amended Libel.

In Admiralty.

To the Hon. Samuel Blatchford, Judge of the District Court of the United States, for the Southern District of New York:

John N. Cushing and William Cushing, both of Newburyport, in the Commonwealth of Massachusetts, merchants, exhibit this their amended libel, against John Laird, the younger, of Birkenhead, in the Kingdom of England, shipbuilder, in a cause of spoliation and damage, civil and maritime. And, thereupon, the said libellants allege and articulately propound as follows, to wit:

FIRST.—That at and before the time of the several trespasses hereinafter mentioned, the said libellants were the true and lawful owners, of twenty-two thirty seconds (22-32) of the ship "Sonora," a duly registered American ship.

SECOND.—That heretofore and on or about the twenty-sixth day of September, which was in the year one thousand eight hundred and

sixty-three, the said ship was on a lawful voyage from Hong Kong, in China, bound to Akyab, in British India, under charter to C. F. Webert and Company, of London, England, to load at Akyab aforesaid, with merchandise for Europe.

THIRD.—That on the day and year aforesaid, to wit, the twenty-sixth day of December, 1863, the said ship then being on the high seas, and within the flux and re-flux thereof, and engaged in the peaceable prosecution of a lawful voyage, as aforesaid, in latitude 3° north, and longitude 101° east, or thereabouts, in the Straits of Malacca, was overtaken by a certain armed vessel called the "Alabama," theretofore by the said John Laird, the younger, wrongfully and in direct violation of the laws of the Kingdom of Great Britain, built, fitted out, and equipped for the purpose of preying upon and piratically destroying vessels and property of citizens of these United States, and at that time, as these libellants are informed and believe, purporting to be commanded by one Raphael Semmes.

FOURTH.—That the said Semmes thereupon, against the protests and remonstrances of the master of the said "Sonora," with violence and force of armed men, the said piratical vessel, the "Alabama," or however otherwise designated, lying within gunshot, and the crew of said ship "Sonora" being unarmed, and resistance being impracticable, took possession of the said ship, the "Sonora," plundered, and then burned and utterly destroyed her.

FIFTH.—That by reason of the said acts of plunderage and violence, committed by the said armed piratical cruiser, called the Alabama, built, fitted out, and equipped by the said John Laird, the younger, of Birkenhead, England, ship builder, in violation of law, and with the intent and purpose that she should be engaged in acts of piracy, plunder, and destruction on the high seas, to the wrong, prejudice, and damage of peaceful men, engaged in lawfully navigating the same with their ships and merchandise as aforesaid, these libellants have sustained damages as follows, that is to say: For the value of the share of said ship, belonging to these libellants, fifty-eight thousand and nine hundred and eighty-seven dollars and fifty cents, and for their proportionate part of the value of the charter of the said ship, twenty-two thousand seven hundred and fifty-five dollars and twenty-five cents, in all eighty-one thousand eight hundred and forty-two dollars and seventy-five cents ($81,842.75).

SIXTH.—That all and singular the premises are true, and within the admiralty and maritime jurisdiction of the United States, and of this Honorable Court.

Whereupon the libellants pray that a warrant of arrest in due form of law, according to the course of Courts of Admiralty, and the rules and practice of this Honorable Court, in civil causes of admiralty and maritime jurisdiction, may issue against the said John Laird, the younger, and that he may be required to appear and answer on oath this libel, and all and singular the matters aforesaid, and if he cannot be found, that his goods and chattels, and if none be found, that his credits and effects in the hands of Foster & Thomson, and in the hands of the Assistant Treasurer of the United States, in the City of New York (known as the proceeds of the steamship "Wren," or other-

wise), garnishees may be attached to the amount sued for and costs, and that this Honorable Court will be pleased to decree the payment of the damages sustained by the libellants with costs, and that they may have such other and further relief as in law and justice they may be entitled to receive.

JOHN N. CUSHING,
WILLIAM CUSHING.
By J. LANGDON WARD, *Atty.*

J. LANGDON WARD,
Proctor for Libellants.

United States of America,
Southern District of New York. } ss.:

On the twenty-ninth day of September, A.D. 1868, before me personally appeared J. Langdon Ward, of the City of New York, and being by me duly sworn, made oath that he is proctor for the above named libellants, that said libellants do not and neither of them does reside in the Southern District of New York, or within one hundred miles thereof, and are not, and neither of them is at present within the said Southern District of New York, or within one hundred miles thereof, to the knowledge of deponent; that he is authorized by the said libellants to verify the foregoing libel, and that the same is true.

J. LANGDON WARD.

Sworn to before me this 29th day of December, 1868.
JOHN A. OSBORN,
U. S. Com'r.

(ENDORSED.)
22: 299.

D. C. U. S. S. D. N. Y.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER. } Amended Libel.

J. LANGDON WARD,
Proctor,
192 B'way.

Filed September 29th, 1868.

The President of the United States of America.

To the Marshal of the Southern District of New York, Greeting:

[L. S.] *Whereas*, a libel has been filed in the District Court of the United States of America, for the Southern District of New York, on the sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, by John N. Cushing and William Cushing, against John Laird, the younger; and

Whereas, An amended libel in the same case was filed on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, by order of the Court, in a certain action, civil maritime, for spoliation and damage by the said amended libel, alleged to be due to the said libellants, amounting to eighty-one thousand eight hundred and forty two $\frac{75}{100}$ dollars, and praying that a citation may issue against the said respondent, with clause of foreign attachment, pursuant to the rules and practice of this Court; Now, therefore, we do hereby empower, and strictly charge and command you, the said Marshal, that you cite and admonish the said respondent, if he shall be found in your District, that he be and appear before the said District Court on the third day of November next, at the United States Court Rooms, in the City of New York, then and there to answer the said libel, and to make his allegations in that behalf; and if the said respondent cannot be found, that you attach his goods and chattels to the amount sued for, and if such property cannot be found, that you attach his credits and effects to the amount sued for, in the hands of Foster & Thomson, and the Assistant Treasurer of the United States, his garnishees; and have you then and there this writ, with your return thereon.

Witness, the Hon. Samuel Blatchford, Judge of said Court, this 29th day of September, in the year of our Lord, one thousand eight hundred and sixty-eight, and of our Independence the ninety-third.

J. LANGDON WARD,
Proctor.

GEO. F. BETTS,
Clerk.

Respondent not found, attached his credits and effects in the hands of Messrs. Foster & Thomson, and H. H. Van Dyck, Assistant Treasurer of the United States, at New York.

R. MURRAY,
U. S. Marshal.

Nov. 3d, 1868.

Pursuant to an order made and entered in this cause on Saturday, the 27th day of November, A.D. 1869, I hereby make the following amended return to the within process, viz.: Respondent not found within this District; no goods or chattels belonging to respondent found within this District; I have, therefore, attached the credits and effects of the respondent in the hands of Foster & Thomson, his garnishees, on the 29th day of September, 1868, by exhibiting to J. P. Giraud Foster, one of said garnishees, the original process, and leaving with him at the office of said garnishees, at No. 69 Wall street, in the City of New York, a copy thereof. And I have also attached the credits and effects of the respondent in the hands of H. H. Van Dyck, Ass't Treasurer of the United States, in the City of New York, by exhibiting to him the original process, and leaving with him a copy thereof, at his office in the U. S. Treasury Buildings, in said City of New York.

Dec. 10th, 1869.

R. MURRAY,
late U. S. Marshal, S. D. N. Y.

Pursuant to an order made and entered in this cause on Saturday, the second day of April, A.D. 1870, I hereby make the following amended return to the annexed process, viz.: Respondent not found within this district; no goods or chattels belonging to respondent found within this district; therefore, on the twenty-ninth day of September, A.D. 1868, I attached the credits and effects of the respondent, in the hands of Foster & Thomson, his garnishees, by exhibiting to J. P. Giraud Foster, one of said garnishees, on the said twenty-ninth day of September, A.D. 1868, the original process, and by leaving with him personally, at the office of the said garnishees, No. 69 Wall street, in the City of New York, on that day a copy of said original process; and I also, on the said twenty-ninth day of September, A.D. 1868, attached the credits and effects of the said respondent, in the hands of H. H. Van Dyck, Assistant Treasurer of the United States, in the City of New York, by exhibiting to the said H. H. Van Dyck, on that day, the said original process, and by leaving with him personally on that day at his office, in the United States Treasury building, in the City of New York, a copy of said original process.

R. MURRAY,
late U. S. Marshal.

Dated N. Y., April 8th, 1870.
Filed April 12, 1870, within amended return.

(ENDORSED.)
Vol. 22, No. 299.

United States District Court.

JOHN N. CUSHING *et als.*
vs.
JOHN LAIRD, THE YOUNGER, } Supplementary.

Process *in personam*, with Clause of Foreign Attachment.

Per Curiam.

Returnable Nov. 3d, 1868.

J. LANGDON WARD,
Proctor for Lib's.

Filed Nov. 3d, 1868.
" Dec. 14th, 1869.

I hereby depute E. Witherell to execute the within process.
Dated Sept. 29th, 1868.

R. MURRAY,
U. S. Marshal.

Amended return to within supplementary process.
Filed Dec. 11th, 1869. E. 190.

At a stated term of the District Court of the United States of America, for the Southern District of New York, held at the United States Court Rooms, in the City of New York, on Monday, the 17th day of May, in the year of our Lord one thousand eight hundred and sixty nine.

Present:

The Hon. SAM'L BLATCHFORD,
District Judge.

JOHN N. CUSHING and WILLIAM CUSHING
vs.
JOHN LAIRD, THE YOUNGER.
} In Admiralty.—22:299.

On reading and filing the petition of Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, and it appearing that there has been no appearance on the part of the defendant in this action, and that no copy of the libel therein has been taken, now on motion of J. Langdon Ward, Esq., proctor for the libellants and petitioners, it is ordered: That the prayer of the said petition be granted, that the said petitioners be joined as co-libellants in this action, and that the libellants have leave to file a re-amended libel herein.

And it is further ordered that process issue in accordance with the prayer of said re-amended libel.

SAM'L BLATCHFORD.

(ENDORSED.)
Vol. 22, No. 299.

United States District Court for the Southern District of New York.

JOHN N. CUSHING and WILLIAM CUSHING
agst.
JOHN LAIRD, THE YOUNGER.
}

Order.

Admitting Mary A. Johnson, and o'rs.

J. LANGDON WARD,
192 B'dway,
Proctor for Libellants.

Filed the 17th day of May, 1869.

In the District Court of the United States for the Southern District of New York.

JOHN N. CUSHING and WILLIAM CUSHING, in their own right, and as executors of Nicholas Johnson, deceased; Mary A. Johnson, executrix of Henry Johnson, deceased; Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased,

vs.

JOHN LAIRD, THE YOUNGER.

To the Hon. Samuel Blatchford, Judge of the District Court of the United States, for the Southern District of New York:

John N. Cushing and William Cushing, of the City of Newburyport, in the Commonwealth of Massachusetts, merchants, in their own right, and as executors of the last will and testament of Nicholas Johnson, deceased; Mary A. Johnson, executrix of the last will and testament of Henry Johnson, deceased; Keturah M. Pritchard, administratrix of the goods, chattels, and credits of Thomas Pritchard, the younger, deceased, and Elizabeth H. Pritchard, executrix of the last will and testament of William Pritchard, deceased, all of the said City of Newburyport, in the Commonwealth of Massachusetts, gentlewomen, exhibit this their libel against John Laird, the younger, of Birkenhead, in the Kingdom of England, shipbuilder, in a cause of spoliation and damage, civil and maritime.

And thereupon the said libellants allege and articulately propound as follows, to wit:

FIRST.—That at and before the time of the several trespasses hereinafter mentioned, the said libellants, their respective testators and intestate now deceased, were the true and lawful owners of the ship "Sonora," a duly registered American ship.

SECOND.—That heretofore and on or about the twenty-sixth day of December, which was in the year one thousand eight hundred and sixty-three, the said ship was on a lawful voyage from Hong Kong, in China, bound to Akyab, in British India, under charter to C. F. Webert and Company, of London, England, to load at Akyab aforesaid, with merchandise for Europe.

THIRD.—That on the day and year aforesaid, to wit: the twenty-sixth day of December, A.D. 1863, the said ship then being on the high seas, and within the flux and re-flux thereof, and engaged in the peaceable prosecution of a lawful voyage as aforesaid, in latitude 3° north, and longitude 101° east, or thereabouts, in the Straits of Malacca, was overtaken by a certain armed vessel called

the "Alabama," then owned and theretofore by the said John Laird, the younger, wrongfully and in direct violation of the laws of the Kingdom of Great Britain, built, fitted out, and equipped for the purpose of preying upon and piratically destroying vessels and property of citizens of these United States, and at that time, as these libellants are informed and believe, purporting to be commanded by one Raphael Semmes.

FOURTH.—That the said Semmes thereupon, against the protests and remonstrances of the master of the said ship "Sonora," with violence and force of armed men, the said piratical vessel the "Alabama," or however otherwise designated, lying within gunshot, and the crew of said ship "Sonora," being unarmed, and resistance being impracticable, took possession of the said ship "Sonora," plundered and then burned and utterly destroyed her.

FIFTH.—That by reason of the said acts of plunderage and violence committed by the said armed piratical cruiser called the "Alabama," so built, fitted out, equipped, and owned by the said John Laird, the younger, of Birkenhead, England, shipbuilder, in violation of law, and with the intent and purpose that she should be engaged in acts of piracy, plunder, and destruction on the high seas, to the wrong, prejudice, and damage of peaceful men engaged in lawfully navigating the same with their ships and merchandise as aforesaid, these libellants have sustained damages as follows, that is to say:

For the value of the said ship, fifty-five thousand and eight hundred dollars, and for the value of the charter of the said ship thirty-three thousand two hundred and forty-four dollars, in all, eighty-nine thousand and forty-four dollars ($89,044.00).

SIXTH.—That all and singular the premises are true and within the admiralty and maritime jurisdiction of the United States, and of this Honorable Court.

Whereupon the libellants pray that a warrant of arrest in due form of law according to the course of Courts of Admiralty and the rules and practice of this Honorable Court, in civil causes of Admiralty and maritime jurisdiction, may issue against the said John Laird, the younger, and that he may be required to appear and answer on oath this libel, and all and singular the matters aforesaid, and if he cannot be found, that his goods and chattels, and if none be found, that his credits and effects in the hands of Foster & Thomson, and in the hands of the Assistant Treasurer of the United States, in the City of New York (known as the proceeds of the steamer "Wren" or otherwise), garnishees, may be attached to the amount sued for and costs.

And that this Honorable Court will be pleased to decree the payment of the damages sustained by the libellants with costs, and that they may have such other and further relief as in law and justice they may be entitled to receive.

JOHN N. CUSHING,
WILLIAM CUSHING,
MARY A. JOHNSON,
KETURAH M. PRITCHARD,
ELIZABETH H. PRITCHARD,
By J. LANGDON WARD,
their Attorney.

United States of America, }
Southern District of New York. } ss.:

On the 14th day of May, A.D. 1869, before me personally appeared J. Langdon Ward, of the City of New York, and being by me duly sworn, made oath that he is proctor for the above named libellants, that the said libellants do not and neither of them does reside in the Southern District of New York, or within one hundred miles thereof, and are not and neither of them is at present within the said Southern District of New York, or within one hundred miles thereof, to the knowledge of deponent, that he is authorized by said libellants to verify the foregoing libel, and that the same is true.

JOHN A. OSBORNE,
U. S. Com'r.

(ENDORSED.)
Vol. 22, No. 299.

D. C. U. S. S. D. N. Y.

JOHN N. CUSHING *and al.*
vs.
JOHN LAIRD, THE YOUNGER.

Re-amended Libel.

J. LANGDON WARD,
Proctor for Lib's,
192 B'way.

Filed May 17th, 1869.

The President of the United States of America.

To the Marshal of the Southern District of New York: Greeting.

[L. S.] *Whereas*, a libel has been filed in the District Court of the United States of America, for the Southern District of New York, on the sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, by John N. Cushing, and William Cushing, against John Laird, the younger.

And, Whereas, an amended libel in the same cause was filed on the twenty-ninth day of September, in the said year, by order of the Court,—and whereas, a re-amended libel has been filed in the said Court on the seventeenth day of May, in the year of our Lord one thousand eight hundred and sixty-nine, in the same cause, wherein Mary A. Johnson, executrix of Henry Johnson, deceased; Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, have, been on their own petition, by order of the Court made co-libellants, in a certain action, civil maritime, for spoliation and damage therein alleged to be due to the said libellants, amounting to eighty-nine thousand and forty-four dollars, and praying that a citation may issue against the said respondent with clause of foreign attachment, pursuant to the rules and practice of this Court: Now, therefore, we do hereby empower and strictly charge and command you, the said Marshal, that you cite and admonish the said respondent, if he shall be found in your District, that he be and appear before the said District Court, on the fifteenth day of June, 1869, at the United States Court Rooms, in the City of New York, then and there to answer the said libel, and to make his allegations in that behalf; and if the said respondent cannot be found, that you attach his goods and chattels to the amount sued for, and if such property cannot be found, that you attach his credits and effects to the amount sued for in the hands of Foster & Thomson and the Assistant Treasurer of the United States, his garnishees, and that you cite and admonish the said garnishees, if they, or any of them shall be found in your district, that they and each of them be and appear before the said District Court at the place aforesaid, on the day aforesaid, then and there to make return concerning the property of the said defendant which is now or may then be in their possession, and to answer such interrogatories as may be propounded to them or either of them, on the part of the libellants; and have you there and then this writ, with your return thereon.

Witness, the Hon. Samuel Blatchford, Judge of said Court, this seventeenth day of May, in the year of our Lord one thousand eight hundred and sixty-nine, and of our Independence the ninety-third.

J. LANGDON WARD,
Proctor,
192 Broadway.

GEO. F. BETTS,
Clerk.

Personally served on Foster & Thomson, and Mr. Van Dyck, Assistant Treasurer.

FRANCIS C. BARLOW,
U. S. Marshal.

Pursuant to an order made and entered in this cause on Saturday, the 27th day of November, A.D., 1869, I hereby make the following amended return to the within process, viz.:

Respondent not found within this District; no goods or chattels belonging to respondent found within this District; I have therefore attached the credits and effects of the respondent in the hands of Foster & Thomson, his garnishees, on the 18th day of May, A.D., 1869, by exhibiting to J. P. Giraud Foster, one of said garnishees, the original process, and leaving with him, at the office of said garnishees, at Number 69 Wall street, in the city of New York, a copy thereof; and I have also attached the credits and effects of the respondent, in the hands of H. H. Van Dyck, Assistant Treasurer of the United States, in the city of New York, by exhibiting to him the original process, and leaving with him a copy thereof, at his office in U. S. Treasury Building, in said city of New York.

Dec. 7th, 1869.

FRANCIS C, BARLOW,
late U. S. Marshal.

Pursuant to an order made and entered in this cause on Saturday, the second day of April, A.D. 1870, I hereby make the following amended return to the annexed process, viz.: Respondent not found within this District; no goods or chattels belonging to respondent found within this District; therefore, on the eighteenth day of May, A.D. 1869, I attached the credits and effects of the respondent in the hands of Foster & Thomson, his garnishees, by exhibiting to J. P. Giraud Foster, one of said garnishees, on the said eighteenth day of May, A.D. 1869, the original process, and leaving with him personally, at the office of said garnishees, Number 69 Wall street, in the city of New York, on that day, a copy of said original process, and I also, on the said eighteenth day of May, A.D. 1869, attached the credits and effects of the said respondents, in the hands of H. H. Van Dyck, Assistant Treasurer of the United States, in the city of New York, by exhibiting to the said H. H. Van Dyck, on that day the said original process, and by leaving with him personally, at his office in the United States Treasury Building, in the city of New York, on that day, a copy of said original process.

Dated New York, April 9th, 1870.

FRANCIS C. BARLOW,
late U. S. Marshal.

Filed April 12, 1870, within amended return.

(ENDORSED.)

Vol. 22, No. 299.

United States Dist. Court.

JOHN N. CUSHING *and al.*
vs.
JOHN LAIRD, JUN'R.

(Supplementary.)

Process *in Personam*, with Clause of Foreign Attachment.

Per Curiam.

Returnable June 15th, 1869.

J. LANGDON WARD,
192 Broadway, *Proctor for Lib's.*

Filed June 15th, 1869.
" June 29th, 1869.
" Dec. 14th, 1869.

I hereby depute E. S. Poore to execute the within process.

Dated May 18th, 1869.

FRANCIS C. BARLOW,
U. S. Marshal, S. D. of N. Y.

Amended return to within suppl'y process, Filed Dec. 7th, 1869.

At a Stated Term of the District Court of the United States of America, for the Southern District of New York, held at the United States Court Rooms, in the city of New York, on Saturday, the 27th day of November, in the year of our Lord one thousand eight hundred and sixty-nine.

Present: The Hon. SAMUEL BLATCHFORD, *District Judge.*

JOHN N. CUSHING and WILLIAM CUSHING *et al.*
agst.
JOHN LAIRD, THE YOUNGER. } 22-299.

A motion having been made herein, on the part of Foster & Thomson, as garnishees named in the three several processes issued herein, on the papers and processes herein, and upon an affidavit made by N. Dana Wells, that the attachments against them as garnishees named in the said processes be discharged; And after argument by the counsel for both parties—it appearing to the Court that the re-

turns to the said several processes are defective, in that they do not state all the facts necessary and proper to be stated in such returns; And it not being shown to the Court that said facts do not actually exist; Therefore it is, on motion of J. Langdon Ward, proctor for the libellants, ordered that the libellants be and they are hereby allowed to procure and file in this Court amended returns to the said processes, so as to conform to the facts within twenty days after the entry of this order.

SAM'L. BLATCHFORD.

(ENDORSED.)
Vol. 22, No. 299.

United States District Court for the Southern District of New York.

JOHN N. CUSHING and WILLIAM CUSHING
vs.
JOHN LAIRD, THE YOUNGER.

Order.

Allowing the filing of amended returns and processes.

J. LANGDON WARD,
Proctor for Lib'lts.

Filed the 27th day of November, 1869.

(ENDORSED.)

In the District Court of the United States for the Southern District of New York.

JOHN N. CUSHING *et al.*
against
JOHN LAIRD, THE YOUNGER, *et al.*

Southern District of New York, ss.:

N. Dana Wells, being duly sworn, says that John Laird, the younger, is a subject and resident of the Kingdom of Great Britain, and that he was not at the time of the commencement of the proceedings in the above entitled action in the United States of America, nor has he been within the limits of the United States since that time, and that he has not appeared in the said proceeding.

N. DANA WELLS.

Sworn to before me this 28th day of June, 1869.

GEORGE W. COLLES,
Notary Public, N. Y.

(ENDORSEMENT.)

U. S. District Court.

JOHN N. CUSHING *et al.*
agst.
JOHN LAIRD, THE YOUNGER.

Affidavit and notice motion to discharge attachment, by Foster & Thomson.

In the District Court of the United States for the Southern District of New York.

JOHN N. CUSHING *et al.*
against
JOHN LAIRD, THE YOUNGER, *et al.*

SIR:

Please to take notice, that upon the foregoing affidavit and the papers and process in the above cause, we will move before the Judge of this Court, at the United States Court Rooms, No. 41 Chambers Street, in the City of New York, on Tuesday, the 29th day of June, 1869, at 11 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, to discharge the attachment against us as garnishees named in the process of attachment.

Dated 26th June, 1869.

Yours truly,
FOSTER & THOMSON.

To J. Langdon Ward, Esq.

At a Stated Term of the District Court of the United States of America for the Southern District of New York, held at the United States Court Rooms, in the City of New York, on Saturday, the 2d day of April, in the year of our Lord one thousand eight hundred and seventy.

Present: The Hon. SAMUEL BLATCHFORD, *District Judge.*

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER. } In Admiralty.

A motion having been made herein on the part of Foster & Thomson, as garnishees named in the three several processes issued herein, on the papers and processes herein, and the returns and amended returns thereto, and upon an affidavit made by N. Dana Wells, that the several attachments be discharged as against them, as such

garnishees, and after argument by counsel for both parties, due deliberation being thereupon had, and the Court to being fully advised in the premises, now, on motion of J. Langdon Ward, proctor for the libellants, it is

Ordered: That the libellants have leave to procure and file amended returns to the several processes, stating specifically whether the attachments were severally made on any of the days specified, and whether the processes were severally exhibited to and copies thereof left with J. P. Giraud Foster on those days; and further

Ordered: That the motion to discharge said several attachments, as against said garnishees, be and the same is hereby denied, with costs.

SAM'L. BLATCHFORD.

(ENDORSED.)

Vol. 22, No. 299.

United States District Court for the Southern District of New York.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Order.

For leave to file amended returns of processes.

J. LANGDON WARD.
Proctor for Lib'lts.

Filed the second day of April, 1870.

To the Honorable Samuel Blatchford, Judge of the District Court of the United States for the Southern District of New York.

The answer of J. P. Giraud Foster and James Thomson, cited as garnishees, in a certain action of alleged tort and damage, civil and maritime, pending in this Court, wherein John N. Cushing and others are libellants, and John Laird, the younger, is respondent, alleges as follows:

That these respondents, saving and reserving to themselves all and all manner of benefit and advantage of exception to the errors, imperfections, insufficiencies, and uncertainties in the several processes heretofore issued in this action under the several and respective returns, and in the amended returns thereto, now remaining of record in this Honorable Court, do answer and say—

FIRST.—That the above named respondent, John Laird, the younger, was not at the time of the commencement of this action an inhabitant of the Southern District of New York, nor was he found or ever

served with process therein. Wherefore, these respondents say that this Honorable Court hath not any jurisdiction to entertain this action, or to issue the aforesaid processes, or to compel these respondents to appear or to make any answer thereto.

SECOND.—But these respondents appearing and protesting to the jurisdiction of this Honorable Court, do answer and say that it is not true that they held at the time of the service of the several processes in this action, or at any time since, any goods, chattels, choses in action, property, credits, or effects in their hands, or under their control, belonging to the said John Laird, the younger, or in which he has any interest.

Wherefore these respondents pray that they may be hence dismissed, and that their costs and expenses may be decreed to them.

J. P. GIRAUD FOSTER,
JAMES THOMSON.
FOSTER & THOMSON,
Proctors, pro per.

THOS. C. T. BUCKLEY,
Advocate.

United States of America, }
Southern District of New York. } ss.:

On this 11th day of April, in the year of our Lord 1870, before me personally came and appeared the above named James Thomson, and made oath on the Holy Evangelists that the allegations of the above answer by him subscribed are true.

EDWARD L. OWEN,
U. S. Com'r.

United States of America, }
Southern District of New York. } ss.:

On this 12th day of April, in the year of our Lord 1870, before me personally came and appeared the above named J. P. Giraud Foster, and made oath on the Holy Evangelists that the allegations of the above answer by him subscribed are true.

JOHN A OSBORN,
U. S. Commissioner.

(ENDORSED.)

22–299.

U. S. District Court.

In Admiralty.

JOHN N. CUSHING *et al.*
agst.
JOHN LAIRD, THE YOUNGER.

Answer of Garnishees.

FOSTER & THOMSON,
Proctors in pro per.

Filed April 12th, 1870.

District Court of the United States for the Southern District of New York.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Exceptions taken by the libellants to the answer of J. P. Giraud Foster and James Thomson, garnishees named in the libel herein.

First Exception. For that the allegations in the said answer, in the words following, to wit: "That these respondents, saving and "reserving to themselves all and all manner of benefit and advantage "of exception to the errors, imperfections, insufficiencies, and uncer- "tainties in the several processes heretofore issued in this action, "under the several and respective returns, and in the amended "returns hereto, now remaining of record in this Honorable Court, "do answer and say," are impertinent and irrelevant, and ought to be expunged.

Second Exception. For that the allegations in the said answer in the words following, to wit: "That the above named respondent, John "Laird, the younger, was not at the time of the commencement of "this action an inhabitant of the Southern District of New York, nor "was he found or ever served with process therein; Wherefore, these "respondents say that this Honorable Court hath not any jurisdic- "tion to entertain this action, or to issue the aforesaid processes, or "to compel these respondents to appear, or make any answer thereto," are impertinent and irrelevant, and ought to be expunged.

Third Exception. For that the said garnishees have not well and sufficiently set forth a full and true statement of the property or funds in their hands belonging to the respondent herein at the time the several attachments herein were served, and at the time the said answer was made, as in and by Rule 29 of this Honorable Court, and Rule 37 of the "Rules of Practice for the Courts of the United States, in Admiralty and Maritime jurisdiction, etc.," prescribed by the Supreme Court of the United States, garnishees in cases of this kind are required to set forth.

In all which particulars the said libellants humbly insist that the said garnishees' said answer is irrelevant and impertinent, or imperfect, insufficient, and evasive, and the libellants therefore except thereto, and pray that such parts thereof as are irrelevant and impertinent may be expunged, and that the said garnishees may be compelled to file a better and further answer or affidavit as required by the rules of this Honorable Court and of the Supreme Court aforesaid.

J. LANGDON WAR ,
Proctor for Libellants,
317 Broadway.

(ENDORSED.)

Vol. 22, No. 299–304.

District Court of the U. S.—Southern District of New York.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Exceptions to answer of J. P. Giraud Foster and James Thomson, garnishees.

J. LANGDON WARD,
Proctor for Libell'ts.
317 B'dway.

Filed April 15th, 1870.

1st and 2d exception allowed, 3d exception disallowed.

May 27, 1870. S. B.

At a stated term of the District Court of the United States, for the Southern District of New York, holden at the United States Court Rooms, in the City of New York, on Monday, the thirtieth day of May, Anno Domini, 1870.

Present: The Honorable SAMUEL BLATCHFORD, *District Judge.*

JOHN N. CUSHING *et als.*
vs.
JOHN LAIRD THE YOUNGER.

In Admiralty,
22-299-304.

This cause having come on to be heard on the exceptions of the libellants, to the answer of the garnishees, Foster & Thomson, filed herein on Tuesday, the 12th day of April, 1870, and after hearing J. Langdon Ward, Esq., advocate for the libellants, in support of said

exceptions, and T. C. T. Buckley, Esq., advocate for the said garnishees, Foster & Thomson, in opposition thereto, and due deliberation being thereupon had and the Court being fully advised in the premises:

Now, on motion of J. Langdon Ward, Esq., proctor for the libellants, it is

Ordered: That the first and second of the said exceptions be and the same hereby are allowed, and that so much of the said answer as is contained in the words following, to wit:

"That these respondents, saving and reserving to themselves all and all manner of benefit and advantage of exception to the errors, imperfections, insufficiences and uncertainties in the several processes heretofore issued in this action under the several and respective returns and in the amended returns thereto, now remaining of record in this Honorable Court, do answer and say:

"That the above named respondent, John Laird, the younger, was not at the time of the commencement of this action an inhabitant of the Southern District of New York, nor was he found or ever served with process therein:

"Wherefore, these respondents say that this Honorable Court hath not any jurisdiction to entertain this action or to issue the aforesaid processes, or to compel these respondents to appear or make any answer thereto," be and the same is hereby adjudged to be impertinent and irrelevant, and is hereby ordered and directed to be expunged from the said answer; and further,

Ordered: That the third of the said exceptions be and the same is hereby disallowed, and that the answer as to such exception stand.

(Signed) SAM'L. BLATCHFORD.

(ENDORSED.)

Vol. 22, No. 299-304.

District Court of the U. S., Southern District of N. Y.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Order.

J. LANGDON WARD,
Proctor for Libellants,
317 B'dway.

Filed May 30th, 1870.

District Court of the United States for the Southern District of New York.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER. } In Admiralty.

Interrogatories to be propounded to J. P. Giraud Foster and James Thomson, garnishees in the libel of John N. Cushing, *et al.* against John Laird, the younger, to be answered by them, and each of them in writing, under oath.

First Interrogatory. What is your name, age, place of residence and occupation? Have you now, and have you had since the 16th day of September, 1868, or for any portion of that time, and if so what portion, a partner in business; if yea, what is his name, and what is the name of the firm.

Second Interrogatory. Do you know the respondent, John Laird, the younger? if yea, for how long have you known him, and where has been his residence, and what has been his occupation during the period of such acquaintance?

Third Interrogatory. Were you not, on or about the second day of July, 1868, either alone or with some other person, and if so, with whom, appointed by the said John Laird, the younger, and one Edward Copeland Stiles, or either of them, as their or either of their attorney, or one of their or either of their attorneys, in fact, to receive and collect from the United States Government, or any branch or officer thereof, or any depository thereof, any and all moneys, the avails or proceeds of the sale of the steamer Wren and her cargo, sold under decree of the District or Circuit Court of the United States at Key West, in the Southern District of Florida, by the Marshal of the United States for the said District? if yea, annex to your answer hereto a copy of said power of attorney; and state fully and with particularity, what, if anything and everything that has been done, by you or either of you, or by any one by your authority, under, or by virtue of, or in consequence of the said power of attorney.

Fourth Interrogatory. State whether or not you or either of you, or any other person or persons for you, or by your or either of your appointment, procuration, connivance, contrivance or authority, or with or by your knowledge, suffrance or aid, has received a part or the whole of the moneys, proceeds of the sale of the steamer Wren and her cargo, or either of them; if yea, state by whom said moneys were received, and when, and to what amount; and whether or not they were so received under or by virtue of, or by means of the letter of attorney above mentioned, and if not how otherwise, and what has been done therewith?

Fifth Interrogatory. State whether or not, on or about the eighteenth day of May, A. D. 1869, you or either of you received a check drawn by Thomas J. Boynton, Judge of the District Court of the United States, for the Southern District of Florida, dated May 10th, 1869, for twenty-nine thousand and eight hundred and sixty-nine dollars and sixty-two cents ($29,869 62-100)? and whether or not the said check or the proceeds thereof is now in your possession, or

under your control? and if not when you parted with the same, and to whom, and how, and why? and state further whether or not the said check, or any part of the amount represented thereby, was a part or the whole of the proceeds of the "Steamer Wren and her cargo," or of either of them; and whether or not the same or any part thereof, was a part or the whole of a certain fund known as the proceeds of the steamer Wren, at and before the twentieth day of February, A.D. 1869, in the Registry of the District Court of the United States for the Southern District of Florida; and whether or not the said check was received by you, or either of you, or any one in your behalf, r on behalf of the said John Laird, the younger, under or by virtue of, or by means of the power, or letter of attorney, herein before referred to, and if not how otherwise.

Sixth Interrogatory. Have you or either of you had in your possession, or under your control, since the sixteenth day of September, A.D. 1868, any property, goods, chattels, or funds, belonging to, or which ever belonged to the said John Laird, the younger, respondent herein, or in which he is or at any time was or has been interested, directly or indirectly? if yea, state when, and what disposition has been made thereof, and when and what they were, and what their value was, and how, and when if at all did the said John Laird, the younger, part with his interest therein.

Seventh Interrogatory. Have you or either of you within your hands or under your control, or have you or either of you had, since the sixteenth day of September, 1868, any notes, drafts, or other bills receivable, or choses in action, or credits belonging, or which ever belonged to John Laird, the younger, or in which he is now or ever was interested.

State fully and particularly.

Eighth Interrogatory. Do you know any other matter or thing in the premises of advantage to the libellants in this cause, if so, state the same fully, and with as much particularity as if thereunto especially interrogated.

J. LANGDON WARD,
Proctor for Libel'ts,
317 Bd'way.

The foregoing interrogatories are allowed.

June 18th, 1870.

SAM'L. BLATCHFORD,

District Judge.

(ENDORSED).

Vol. 22, No. 299-304.

District Court of the United States—Southern District of New York.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Interrogatories to be propounded to J. P. Giraud Foster and James Thomson, garnishees.

J. LANGDON WARD,
Proctor for Libellants,
317 Broadway.

Filed May 30th, 1870.

U. S. District Court.

In Admiralty.

JOHN N. CUSHING *et al.*
agst.
JOHN LAIRD, THE YOUNGER.

Exceptions to the interrogatories propounded to the garnishees.

First Exception. For that the said interrogatories should be allowed by the Judge of this Honorable Court, and until such allowance, no answer can be required thereto. [Allowed.]

Second Exception. For that the said garnishees are not parties to the above action, and that interrogatories, which under the rules and practice of this Court, may be propounded to parties within four days from the putting in of an answer, cannot be propounded to them. [Allowed.]

And they therefore insist that they are not by law obliged to answer the same. [Disallowed.]

Third Exception. For that the said libellant did not on the return of process herein propound any interrogatories to the objectors when cited as alleged garnishees of the respondent, in the above action. [Allowed.]

And they therefore object that the same cannot now be propounded, they are not now by law obliged to make any answer thereto. [Disallowed.]

Fourth Exception. For that inasmuch as the said garnishees have already, as required by the 37th rule of the Supreme Court of the United States, in Admiralty, answered fully under oath, denying that at the time of the service of process herein, they had any property, debts, credits, or effects in their hands belonging to the respondent in the above action. They, the said garnishees, cannot be compelled, any other or further answer to make to the said libel-

lant, and therefore they object that they are not now by law obliged to answer said interrogatories. [Disallowed.]

Fifth Exception. For that the matters inquired of in the 3d interrogatory are irrelevant and immaterial. [Disallowed.]

FOSTER & THOMSON,
Proctors in pro per.

THOS. C. T. BUCKLEY,
Advocate.

(ENDORSED.)

U. S. Dist. Court.

In Admiralty.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Exceptions to interrogatories propounded to garnishees.

THOS. C. T. BUCKLEY,
Advocate.

FOSTER & THOMSON,
Proctors in pro per.

Filed June 8th, 1870.
Decision within, S. B.
June 18th, 1870.

At a stated term of the District Court of the United States for the Southern District of New York, holden at the United States Court Rooms, in the City of New York, on Tuesday, the twenty-eighth day of June, Anno Domini, 1870.

Present: The Hon. SAMUEL BLATCHFORD, *District Judge.*

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

In Admiralty.

Interrogatories having been propounded to Messrs. Foster & Thomson, garnishees in the above action, on the part of the libellants herein, and exceptions having been filed by said garnishees to said interrogatories, and said exceptions having been brought on to be heard on Saturday, the eigthteenth day of June, inst.:

Now, after hearing T. C. T. Buckley, Esq., advocate for the said garnishees, in support of said exceptions, and J. Langdon Ward, Esq., advocate for the libellants, in opposition thereto, the Court being fully advised in the premises, on motion of J. Langdon Ward, Esq., proctor for the libellants, it is

Ordered: That the first of said exceptions be, and the same is here by allowed; and

Ordered: That so much of the second of said exceptions, as is contained in the words following, to wit: "For that the said garnishees are not parties to the above action, and that interrogatories which under the rules and practice of this Court, may be propounded to parties within four days from the putting in of an answer, cannot be propounded to them," be and the same is hereby allowed; and

Ordered: That so much of the said second exception as is contained in the words following, to wit: "And they therefore insist that they are not by law obliged to answer the same," be and the same is hereby disallowed; and

Ordered: That so much of the third of the said exceptions, as is contained in the words following, to wit: "For that the said libellants did not on the return of process herein propound any interrogatories to the objectors, when cited as alleged garnishees of the respondent in the above action," be and the same is hereby allowed; and

Ordered: That so much of the said third exception, as is contained in the words following, to wit: "And they therefore object that the same cannot now be propounded they are not by law obliged to make any answer thereto," be and the same is hereby disallowed, and

Ordered: That the fourth and fifth of the said exceptions be, and the same are, and each of them is hereby disallowed; and it is further

Ordered: That the interrogatories as filed and served be, and the same are hereby allowed, and that the garnishees, Foster & Thomson, answer the same under oath, as required by the course and practice of this Court, by the 15th of September, 1870.

SAM'L. BLATCHFORD.

(ENDORSED.)

Vol. 22, No. 299, 304.

District Court of the U. S.—Southern District of N. Y.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Order overruling exceptions to libel'ts interrogatories.

J. LANGDON WARD,
Proctor for Libell'ts,
317 Broadway.

Filed, June 28th, 1870.

U. S. District Court—For the Southern District of New York.

JOHN N. CUSHING *and al.*
against
JOHN LAIRD, THE YOUNGER. } In Admiralty.

The answer of J. P. Giraud Foster, one of the garnishees named in the libel in the above action, to interrogatories propounded to him on behalf of the above named libellants.

To the first interrogatory, he says ; my name J. P. Giraud Foster, I am of lawful age, I reside in the City of New York, and by occupation, I am an attorney and counsellor-at-law.

I am now, and since the 16th of September, 1868, have always been connected in business as partner with James Thomson, under the firm name of Foster & Thomson.

To the second interrogatory, he says: I do not know the respondent, I have never seen him, or had any personal acquaintance or business relations with him, I have never corresponded with him, or done business for him, of any kind, I have no personal knowledge of his residence, or occupation, but I believe that he carries on business as a shipbuilder, at Birkenhead, England, and has done so for several years last past.

To the third interrogatory, he says: under the circumstances hereinafter stated, and not otherwise, a power of attorney, of which a copy is hereto annexed, dated the second day of July, 1868, and purporting to be executed by John Laird, the younger, and Edward Copeland Stiles, was received by my firm, from one Charles K. Prioleau, of Liverpool, England. The said power was not sent or delivered to me, or my firm by said Laird, or said Stiles, nor did I or my firm receive any directions in reference to the matters therein contained from them, or either of them; what I or my firm did under said power, is herein fully and with particularity stated.

Prior to the 3d day of January, 1865, John Laird, the younger, was, as I believe, the owner of the steamer "Wren." On that day he sold said steamer to Charles Kuhn Prioleau, of Liverpool, England, for £15,450, which was then paid to him therefor by said Prioleau, and on that day he duly executed and delivered to said Prioleau, a bill of sale for the same, which bill of sale I have in my possession, ready to be produced before this Honorable Court, and thereupon and thereafter the said Laird had no ownership of, or interest in said steamer, or cargo on board.

That said bill of sale was duly entered and registered in the Custom House, at Liverpool, on the 1st day of May, 1865, the certificate of which entry and registry I have in my possession, ready to be produced before this Honorable Court. That said entry, and registry in the Liverpool Custom House was too late for entry on the register, on board of said steamer, which was then on a voyage.

That upon the return voyage of said steamer, she was served by certain persons who had shipped upon her, viz., on the 13th day of June, 1865, and taken into the port of Key West, and there libelled and condemned as a prize of war, in the District Court of Florida.

That after such condemnation the said Charles K. Prioleau, the owner of the said steamer and cargo, employed my firm to attend to the appeal from such decree of condemnation to the Supreme Court of the United States, such appeal being conducted in the name of Edward Copeland Stiles, who was the master of said steamer when she was captured, and who filed the claim in the District Court, and upon argument of said cause on appeal, the decree of condemnation was reversed, and restitution of the vessel and cargo was ordered to the said claimant Stiles, as by a copy of said decree hereunto annexed will more fully and at large appear. That for the purpose of drawing the money the proceeds of said steamer and cargo, for said Charles K. Prioleau, the owner thereof, dependent's firm deemed it the more convenient course that said Prioleau should obtain and forward to them a power of attorney from the claimant Stiles, and for greater caution and for no other reason, they suggested to said Prioleau, that as the name of the said Laird appeared on the register on board the steamer as the nominal owner, he should also execute such power, so that if any authority from him was required it should be in the possesssion of deponent.

That said Prioleau forwarded to dependent's firm said power of attorney. Nothing was or could be done by me or my firm under any power from said Laird, as restitution of the said vessel and cargo was directed by the decree of the Supreme Court of the United States, herein before referred to, to be made to said Stiles alone, and such restitution was made to us by virtue of the power of said Stiles, held by us for the benefit of said Prioleau, the owner of the said steamer.

My firm had no communication with Laird, or Stiles, or either of them, but collected and received the proceeds of said steamer under and by virtue of the directions received by us from said Prioleau, and not otherwise.

To the fourth interrogatory, he says: My firm received as the proceeds of the steamer "Wren" and cargo, on the 19th day of May, 1869, the sum of $29,869.62-100, and on the 29th day of May, 1869, the sum of $1,572.

These sums were received by my firm under the decree of the Supreme Court of the United States, directing restitution to be made to the claimant, Edward Copeland Stiles, and they were collected and received by us on his behalf, and for the benefit of Charles Kuhn Prioleau, the owner of said steamer, and under the power from said Edward Copeland Stiles, and not under any power from John Laird, the younger. Of said two amounts $2,000 has been paid subsequently to the 19th day of May, 1869, to counsel upon argument of the appeal in the Supreme Court of the Unites States, and $1,171 was paid on or before that date, for law expenses in Florida. The residue is in our possession to the credit of said Charles K. Prioleau, and held by us as his property, subject to our charges for professional services.

To the fifth interrogatory, he says: My firm did receive such cheque, and the proceeds thereof, with the exceptions above stated, are in our possession, subject to our professional charges. The said cheque was a part of the proceeds of the steamer Wren and her cargo, and

U. S. District Court—For the Southern District of New York.

JOHN N. CUSHING *and al.*
against
JOHN LAIRD, THE YOUNGER. } In Admiralty.

The answer of J. P. Giraud Foster, one of the garnishees named in the libel in the above action, to interrogatories propounded to him on behalf of the above named libellants.

To the first interrogatory, he says ; my name J. P. Giraud Foster, I am of lawful age, I reside in the City of New York, and by occupation, I am an attorney and counsellor-at-law.

I am now, and since the 16th of September, 1868, have always been connected in business as partner with James Thomson, under the firm name of Foster & Thomson.

To the second interrogatory, he says: I do not know the respondent, I have never seen him, or had any personal acquaintance or business relations with him, I have never corresponded with him, or done business for him, of any kind, I have no personal knowledge of his residence, or occupation, but I believe that he carries on business as a shipbuilder, at Birkenhead, England, and has done so for several years last past.

To the third interrogatory, he says: under the circumstances hereinafter stated, and not otherwise, a power of attorney, of which a copy is hereto annexed, dated the second day of July, 1868, and purporting to be executed by John Laird, the younger, and Edward Copeland Stiles, was received by my firm, from one Charles K. Prioleau, of Liverpool, England. The said power was not sent or delivered to me, or my firm by said Laird, or said Stiles, nor did I or my firm receive any directions in reference to the matters therein contained from them, or either of them; what I or my firm did under said power, is herein fully and with particularity stated.

Prior to the 3d day of January, 1865, John Laird, the younger, was, as I believe, the owner of the steamer "Wren." On that day he sold said steamer to Charles Kuhn Prioleau, of Liverpool, England, for £15,450, which was then paid to him therefor by said Prioleau, and on that day he duly executed and delivered to said Prioleau, a bill of sale for the same, which bill of sale I have in my possession, ready to be produced before this Honorable Court, and thereupon and thereafter the said Laird had no ownership of, or interest in said steamer, or cargo on board.

That said bill of sale was duly entered and registered in the Custom House, at Liverpool, on the 1st day of May, 1865, the certificate of which entry and registry I have in my possession, ready to be produced before this Honorable Court. That said entry, and registry in the Liverpool Custom House was too late for entry on the register, on board of said steamer, which was then on a voyage.

That upon the return voyage of said steamer, she was served by certain persons who had shipped upon her, viz., on the 13th day of June, 1865, and taken into the port of Key West, and there libelled and condemned as a prize of war, in the District Court of Florida.

That after such condemnation the said Charles K. Prioleau, the owner of the said steamer and cargo, employed my firm to attend to the appeal from such decree of condemnation to the Supreme Court of the United States, such appeal being conducted in the name of Edward Copeland Stiles, who was the master of said steamer when she was captured, and who filed the claim in the District Court, and upon argument of said cause on appeal, the decree of condemnation was reversed, and restitution of the vessel and cargo was ordered to the said claimant Stiles, as by a copy of said decree hereunto annexed will more fully and at large appear. That for the purpose of drawing the money the proceeds of said steamer and cargo, for said Charles K. Prioleau, the owner thereof, dependent's firm deemed it the more convenient course that said Prioleau should obtain and forward to them a power of attorney from the claimant Stiles, and for greater caution and for no other reason, they suggested to said Prioleau, that as the name of the said Laird appeared on the register on board the steamer as the nominal owner, he should also execute such power, so that if any authority from him was required it should be in the possesssion of deponent.

That said Prioleau forwarded to dependent's firm said power of attorney. Nothing was or could be done by me or my firm under any power from said Laird, as restitution of the said vessel and cargo was directed by the decree of the Supreme Court of the United States, herein before referred to, to be made to said Stiles alone, and such restitution was made to us by virtue of the power of said Stiles, held by us for the benefit of said Prioleau, the owner of the said steamer.

My firm had no communication with Laird, or Stiles, or either of them, but collected and received the proceeds of said steamer under and by virtue of the directions received by us from said Prioleau, and not otherwise.

To the fourth interrogatory, he says: My firm received as the proceeds of the steamer "Wren" and cargo, on the 19th day of May, 1869, the sum of $29,869.62-100, and on the 29th day of May, 1869, the sum of $1,572.

These sums were received by my firm under the decree of the Supreme Court of the United States, directing restitution to be made to the claimant, Edward Copeland Stiles, and they were collected and received by us on his behalf, and for the benefit of Charles Kuhn Prioleau, the owner of said steamer, and under the power from said Edward Copeland Stiles, and not under any power from John Laird, the younger. Of said two amounts $2,000 has been paid subsequently to the 19th day of May, 1869, to counsel upon argument of the appeal in the Supreme Court of the Unites States, and $1,171 was paid on or before that date, for law expenses in Florida. The residue is in our possession to the credit of said Charles K. Prioleau, and held by us as his property, subject to our charges for professional services.

To the fifth interrogatory, he says: My firm did receive such cheque, and the proceeds thereof, with the exceptions above stated, are in our possession, subject to our professional charges. The said cheque was a part of the proceeds of the steamer Wren and her cargo, and

the same was a part of the fund known as the proceeds of the steamer Wren, at and before the 20th day of February, 1869, in the registry of the District Court of the United States for the Southern District of Florida. The said cheque was not received by us on behalf of the said John Laird, the younger, under or by virtue or by means of the power or letter of attorney, herein before referred to, but the same was received by us as the property and on account of Charles K. Prioleau, under the power and authority forwarded to my firm by said Prioleau, from the claimant, Edward Copeland Stiles, any authority from said Laird, being unnecessary and not required, restitution having been ordered to be made by the Supreme Court of the United States, to the said Edward Copeland Stiles.

To the sixth interrogatory, he answers,

Nay.

To the seventh interrogatory, he answers,

Nay.

To the eighth interrogatory, he answers,

Nay.

J. P. GIRAUD FOSTER.

United States of America, }
Southern District of New York. } ss.:

I certify that on this 5th day of October, 1870, before me personally appeared J. P. Giraud Foster, who being by me duly sworn did depose and say that his answers above set forth to interrogatories propounded herein are true.

EDWARD L. OWEN,
U. S. Commissioner.

Know all men by these presents, that we, John Laird, the younger, of Birkenhead, in the County of Chester, shipbuilder, and Edward Copeland Stiles, of 14 Delemere street, Upper Westbourne terrace, London, master mariner, do, by these presents nominate, constitute, and appoint J. P. Giraud Foster and James Thomson, both of New York, in the United States of America, solicitors, jointly and each of them severally to be the true and lawful attorneys and attorney of us, and of each of us, for us and each of us, and in our and each of our names or name or otherwise, to receive and collect from the United States Government, or any branch or officer thereof, or any depository thereof, any and all moneys the avails or proceeds of the sale of the steamer Wren and her cargo, sold under decree of the District or Circuit Court of the United States, at Key West, in the Southern District of Florida, by the Marshal of the United States for the said District, the said decree having been reversed by the Supreme Court of the United States on appeal. And this power having been given to our said attorneys for receiving restitution of the avails of the said steamer Wren and cargo, with full power to give any receipts or discharges for the same, and generally to make, do and execute all such further and other acts, deeds, matters, and things in the premises as amply as we or either of us could do if personally pre-

sent, and one or more attorneys or attorney under them or him from time to time to substitute and appoint, and such appointments at pleasure to revoke and another or others again to substitute and appoint, we and each of us hereby binding ourselves and each of us to ratify and confirm whatsoever shall be lawfully done by our said attorneys, or either of them, by virtue hereof.

In witness whereof we have hereunto set our hands and seals, this second day of July, one thousand eight hundred and sixty-eight.

Signed, sealed and delivered by the above named John Laird, the younger, in the presence of } John Laird, Jr., [L. S.] Edw'd C. Stiles, [L. S.]

WM. STONE,
Attorney at Law, Liverpool.

Signed, sealed and delivered by the above named Edward C. Stiles, in the presence of }

E. L. ROMLIFFE,
Solicitor, 1 Bedford Row, London.

United States of America, ss.:
The President of the United States of America.

To the Honorable the Judges of the District Court of the United States, for the Southern District of Florida, Greeting:

Whereas, lately in the District Court of the United States, for the Southern District of Florida, before you in a cause between the United States, libellants, and the steamer Wren and cargo, and E. C. Stiles, claimant, respondents wherein the decree of said District Court, entered on the fifteenth day of August, A.D., 1865, is in the following words, viz.:

"It is now ordered, adjudged, and decreed that the said steamer Wren, her tackle, apparel, furniture, and cargo, be condemned and forfeited to the United States as lawful prize of war.

"And it is further ordered, that the Clerk of this Court issue a writ of rendition *exponas* to the Marshal of the District, for the sale of said steamer Wren, her tackel, apparel, furniture, and cargo, and that the Marshal make return of sale, and expenses to this Court, and deposit the proceeds of such sale with the Assistant Treasurer of the United States, subject to the order of this Court, as required by law." As by the inspection of the transcript of the record of the said District Court, which was brought into the Supreme Court of the United States by virtue of an appeal agreeably to the act of Congress, in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and sixty-seven, the said cause came on to be heard before the said Supreme Court in the said trans-

cript of the record, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court, that the decree of the said District Court in this cause be, and the same is hereby reversed.

And it is further ordered, that this cause be, and the same is hereby remanded to the said District Court, with directions to restore the vessel and cargo to the claimant without cost, 23 Mar.

You therefore are hereby commanded that such further proceedings be had in said cause in conformity to the opinion and decree of this Court, as according to right and justice and the laws of the United States, ought to be had, the said appeal notwithstanding.

Witness, the Honorable Salmon P. Chase, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and sixty-seven.

D. W. MIDDLETON,
Clerk of the Supreme Court of the United States.

U. S. District Court for the Southern District of New York.

JOHN N. CUSHING *and al.*
against
JOHN LAIRD, THE YOUNGER.

The answer of James Thomson, one of the garnishees named in the libel in the above action, to interrogatories propounded to him, on behalf of the above named libellants.

To the first interrogatory, he says:

My name is James Thomson, I am of lawful age, I reside in the city of New York, and by occupation, I am an attorney and counsellor-at-law.

I am now, and since the 16th of September, 1868, have always been connected in business with J. P. Giraud Foster, under the firm name of Foster & Thomson.

To the second, third, fourth, fifth, sixth, seventh, and eighth interrogatories respectively, he makes the same answer as said J. P. Giraud Foster.

JAMES THOMSON.

United States of America, } ss.:
Southern District of New York. }

I certify, that on this fifth day of October, 1870, before me personally appeared James Thomson, who being by me duly sworn, did depose and say that his answers above set forth to interrogatories propounded herein are true.

EDWARD L. OWEN,
U. S. Commissioner.

(ENDORSED.)

Vol. 22, No. 299, 304.

U. S. District Court.

JOHN N. CUSHING *and al.*
against
JOHN LAIRD, THE YOUNGER.

Answers to interrogatories.
FOSTER & THOMSON,
Garnishees, in pro per.

Filed Oct. 6th, 1870.

District Court of the United States for the Southern District of New York.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Exceptions taken by the libellants to the answers of J. P. Giraud Foster and James Thomson, garnishees named in the libel herein, to the interrogatories propounded to them on behalf of said libellants.

First exception. For that the allegations in the answer of the said garnishees to the third of the said interrogatories in the words and figures following, viz.: "Under the circumstances hereinafter stated and not otherwise."

And in the words and figures following, viz.: "From one Charles K. Prioleau, of Liverpool, England, the said power was not sent or delivered to me, or my firm, by said Laird, or said Stiles, nor did I or my firm receive any directions in reference to the matters therein contained from them or either of them."

And also in the words and figures following, viz.: "Prior to the third day of January, 1865, John Laird, the younger, was, as I believe, the owner of the steamer Wren. On that day he sold said steamer to Charles Kuhn Prioleau, of Liverpool, England, for £15,450, which was then paid to him therefor, by said Prioleau, and on that day he duly executed and delivered to said Prioleau a bill of sale for the same, which bill of sale I have in my possession, ready to be produced before this Honorable Court, and thereupon and thereafter the said Laird had no ownership of, or interest in said steamer, or cargo on board.

That said bill of sale was duly entered and registered in the Custom House, at Liverpool, on the first day of May, 1865. The certificate of which entry and registry I have in my possession ready to be produced before this Honorable Court.

That said entry and registry in the Liverpool Custom House, was too late for entry on the register, on board of said steamer, which was then on a voyage.

That upon the return voyage of said steamer she was seized by certain persons who had shipped upon her, viz.: on the thirteenth

day of June, 1865, and taken into the port of Key West, and there libelled and condemned as a prize of war, in the District Court of Florida.

That after such condemnation the said Charles K. Prioleau, the owner of the said steamer and cargo, employed my firm to attend to the appeal from such decree of condemnation to the Supreme Court of the United States, such appeal being conducted in the name of Edward Copeland Stiles, who was the master of said steamer when she was captured, and who filed the claim in the District Court, and upon argument of said cause on appeal the decree of condemnation was reversed and restitution of the vessel and cargo was ordered to the said claimant Stiles, as by a copy of said decree hereunto annexed, will more fully and at large appear.

That for the purpose of drawing the money the proceeds of said steamer and cargo, for said Charles K. Prioleau, the owner thereof, deponent's firm deemed it the more convenient course that said Prioleau should obtain and forward to them a power of attorney, from the claimant Stiles, and for greater caution and for no other reason, they suggested to said Prioleau that as the name of the said Laird appeared on the register, on board the steamer, as a nominal owner he should also execute such power, so that, if any authority from him was required, it should be in possession of deponent.

That said Prioleau forwarded to deponent's firm said power of attorney. Nothing was or could be done by me or my firm, under any power from said Laird, as restitution of the said vessel and cargo was directed by the decree of the Supreme Court of the United States, hereinbefore referred to, to be made to said Stiles alone, and such restitution was made to us by virtue of the power of said Stiles, held by us for the benefit of said Prioleau, the owner of said steamer. My firm had no communication with Laird or Stiles, or either of them, but collected and received the proceeds of said steamer, under and by virtue of the directions received by us from said Prioleau, and not otherwise," are irrelevant, impertinent, irresponsive to anything contained in the said interrogatory, and ought to be expunged.

Second Exception. For that the allegations in the answer of the said garnishees, to the fourth of the said interrogatories in the words and figures following, viz.: "And they were collected and received by us on his behalf, and for the benefit of Charles Kuhn Prioleau, the owner of said steamer, and under the power from said Edward Copeland Stiles, and not under any power from John Laird, the younger," and also in the words and figures following, viz.: "to the credit of said Charles K. Prioleau, and held by us as his property, subject to our charges for professional services," are irrelevant, impertinent, irresponsive to anything contained in the said interrogatory, and ought to be expunged.

Third Exception. For that the allegations in the answer of the said garnishees, to the fifth of the said interrogatories in the words and figures following, viz.: "The said check was not received by us on behalf of the said John Laird, the younger, under or by virtue or by means of the power or letter of attorney, hereinbefore referred to, but the same was received by us as the property, and on account of Charles K. Prioleau, under the power and authority forwarded to my

firm by said Prioleau, from the claimant, Edward Copeland Stiles, any authority from said Laird being unnecessary and not required, restitution having been ordered to be made by the Supreme Court of the United States, to the said Edward Copeland Stiles," are irrelevant, impertinent, irresponsive to anything contained in the said interrogatory, and ought to be expunged.

Fourth Exception. For that the answer of the said garnishees, to the fourth of the said interrogatories is insufficient, in this that it does not state whether or not the moneys being the proceeds of the steamer Wren and cargo, in the said answer admitted to have been received by them, were received by them, under or by virtue of, or by means of the letter of attorney, referred to and set forth in the answer to the third interrogatory.

Fifth Exception. For that the answer of the said garnishees, to the fifth of the said interrogatories, is insufficient, in this that it does not state whether or not the check therein admitted to have been received by the said garnishees, was so received by them under or by virtue of, or by means of the power or letter of attorney, referred to and set forth in the answer to the third interrogatory.

In all which particulars the said libellants humbly insist that the said answers of the said garnishees are either impertinent, irrelevant, and irresponsive to anything in the interrogatories contained, or are insufficient and evasive, and the said libellants therefore except thereto and pray that such parts thereof as are irrelevant, impertinent, or irresponsive may be expunged, and that the said garnishees may be compelled to fill further and better answers, in the particulars above set forth to the fourth and fifth of the said interrogatories.

J. LANGDON WARD,
Proctor for Libellants.

(ENDORSED.)

Vol. 22, No. 299, 304.

U. S. District Court.

JOHN N. CUSHING *et al.*
against
JOHN LAIRD, THE YOUNGER. } In Admiralty.

Exceptions to answers of Foster & Thomson, garnishees, to libellants' interrogatories.

J. LANGDON WARD,
Proctor for Libell'ts,
317 Broadway.

At a stated term of the District Court of the United States of America, for the Southern District of New York, held at the United States Court Rooms, in the City of New York, on Monday, the seventh day of November, in the year of our Lord one thousand eight hundred and seventy.

Present: The Hon. SAMUEL BLATCHFORD, *District Judge.*

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER. } 22–299–304.

This case having been heard on exceptions taken by the libellants, to the answers of Foster & Thomson, garnishees, to libellants' interrogatories—and in opposition thereto on the part of said garnishees, and argued and submitted by the advocates for the respective parties, and due deliberation being had in the premises, it is now ordered, adjudged, and decreed by the Court, that said exceptions be, and the same hereby are, overruled with costs to be taxed against the libellants.

SAM'L. BLATCHFORD.

(ENDORSED.)

Vol. 22, No. 299–304.

United States District Court for the Southern District of New York.

JOHN N. CUSHING *et als.*
vs.
JOHN LAIRD, THE YOUNGER.

FOSTER & THOMSON,
Proctors in pro per.

DECREE.

Exception to answers of garnishees to libellants' interrogatories overruled with costs.

Filed the seventh day of November, 1870.

U. S. District Court.

JOHN N. CUSHING *and others*
vs.
JOHN LAIRD, THE YOUNGER. } Nov. 6, 1872.

Preliminary objections by garnishees to proceeding.

1. This Court no jurisdiction to proceed with trial, because at time of commencement of action and service of process of garnishment, the

respondent was not an inhabitant of Southern District of New York, nor found or served with process therein.

2. Answer of garnishees to interrogatories by libellant as they stand, show on record that one C. K. Prioleau has claim to these funds adverse to claim of libellants, no proceeding by libellant to bring Prioleau before the Court, he ought to do so by monition.

Objections overruled for the present. Exceptions.

Both sides say issue is, whether when process of garnishment was served on Foster & Thomson, the proceeds of the Wren belonged to Laird.

Copy of transcript of record in case in Supreme Court of the United States. United States *vs.* Steamer Wren prize case, 6 Wallace.

Copy offered being printed paper No. 101, pages 1 to 72, and certificate so far as it covers the 72 pages.

Obj'd to as irrelevent and incompetent, and *res inter alios.*

Objections as to admissibility of transcript of record discussed.

Obj'n overruled; exception.

Libel read, page 1, filed June 16, 1865. Monition.

Claim of master, fols. 4–5.

Obj'd to that it is only a declaration of Stiles as to ownership. Obj'n overruled, reserving all question as to effect of evidence.

Affidavit to claim; claim filed June 26, 1865.

Decree of District Court, condemning vessel, page 6, fol. 12 and 13. Aug. 15, 1865.

Prayer for appeal: allowance of appeal; appeal by claimant to Supreme Court at Washington.

Offer of briefs of counsel on both sides in same case in Supreme Court, U. S., and certificate, so far as it covers them.

Same objections and also that they are no part of the record, and, therefore, irrelevant.

Obj'n sustained; exception.

Offer exemplified copy of record of District Court, U. S. Southern District of Florida, in case U. S. *vs.* Wren, of proceedings, including mandate and everything before that after appeal to Supreme Court, and everything after mandate.

Obj'd to as irrelevent, incompetent, and *res inter alios.* Obj'n overruled; exception.

Oct. 16, 1865. Venditioni.

Sept. 26, 1868. Return by Marshal, showing proceeds of sale of Wren to be $37,108 50.

April 13, 1869. Mandate from Supreme Court.

Power of Att'y, Laird and Stiles, to Foster & Thomson. July 2, 1868.

May 8, 1869. Motion for final decree, mandate brought in.

May 10, 1869—Decree that $31,441.62 nett proceeds on deposit with Ass't Treasurer at New York be paid to John Laird, claimant, and to Foster & Thomson, his Att'ys.

Cheque.....	$29,869.62
"	1,572.00

favor of Foster & Thomson.

Receipt for $31,441.62 by Dockray, Att'y for Foster & Thomson.

Report of case, 6 Wallace, 582.

Exemplified copy of record of District Court, U. S. of Florida, in case of John N. Cushing, *et al. vs.* John Laird, the younger.

Obj'd to because no record, but only shows some proceedings, and shows that proceeding, commenced and abandoned, and same objections as before.

Obj'n overruled without passing on the effect.

Libel filed Dec. 28, 1868; prayer for monition *agst.* Laird, and for attachment of proceeds of Wren, in registry of Court.

Order for process, Jan'y 6, 1869.

Warrant of arrest to Marshal, Jan'y 7, 1869.

Return; Laird not found.

Attachment, Feb'y 20, 1869, to attach proceeds of Wren on deposit with Assistant Treasurer of New York.

Return of attachment as executed, Feb'y 22, 1869, by service, by mail, on Ass't Treasurer of New York.

Copy attachment, acknowledged by Ass't Treasurer, Mar. 4, 1869.

Publication in Key West. Dispatch of monition.

May 8, 1869; appearance and claim by Laird, claims proceeds as attached; Laird by Dockray, as proctor.

Motion by Laird to dissolve attachment; consent by proctors for libellant.

Order dissolving attachment, May 8, 1869.

Letter, Foster & Thomson, to libellants' proctor in this case. Feb'y 24, 1869.

Obj'd to; that any declaration made by Foster & Thomson at that time is incompetent and irrelevant to any question raised here.

Obj'n overruled; letter admitted as relevant; exception.

J. Langdon Ward (sworn), libellants' proctor; directed commencement of suit in District Court of Florida against John Laird, the younger.

Q. Did you have any interview with the garnishees as to transferring that litigation and the funds to this District?

A. I did; several.

Can't give dates with certainty; it was in Jan'y and Feb'y, 1869; I can't swear positively which side instituted the negotiation; my very strong impression is that Mr. Thomson came to my office and spoke of it first.

I received this letter from Foster & Thomson; letter of Feb. 24, 1869, above referred to.

Offer letter, March 12, 1869, to Winer Bethel, of firm of Bethel & Mallory.

Obj'd to as irrelevant; obj'n overruled; exception.

Copy inclosed in that of letter of Foster & Thomson to their Att'y, F. A. Dockray, dated March 13, 1869.

Obj'd to as irrelevant; obj'n overruled; exception.

May 8, 1869, telegraph to Bethel.

Letter, Mch. 9, 1869, Foster & Thomson to Ward.

LIBELLANTS REST.

DEFENCE.

Answers of garnishees to interrogatories offered in connection with interrogatories.

Obj'd to; that answers to interrogatories are not evidence in the cause for the garnishees.

Benedict's Adm., 7, 2d Ed., § 459.

Cushman *vs.* Ryan, 1 Story, 102. Obj'n sustained. Exception.

Nov. 7, 1872.

James Thomson (sworn), reside in New York; lawyers; one of firm of Foster & Thomson; connected in business 20 years with Foster; Foster & Thomson are parties referred to in record in this case as garnishees; don't know John Laird, the younger; never saw him, or had any communication with him, or correspondence with him, written or verbal; Laird, by general repute, resides at Birkenhead, England; had connection first time with Wren after decree in Florida Court.

(All received subject to objection that record is estoppel, and shows that Foster & Thomson received money as money, of Laird, and are estopped by their subsequent action from showing it was not money of Laird.)

Condemnation was Aug., 1865.

Q. By whom were you or your firm employed in reference to that matter?

A. By Charles K. Prioleau, of Liverpool, England; the retainer came through his agent, David P. Sellar, of New York, of Dennistoun & Co., bankers, in New York City.

After that retainer we caused record to be sent from Florida to Supreme Court, U. S., on appeal. We made with clerk deposit required by rule, and procured return; employed E. Pierrepont, counsel, to argue the case; he argued it on the record; heard judgment reversed; I received mandate myself.

Next I drew power of Att'y and gave it to Sellar to send out to England to be executed; (paper shown) this is it as it was returned; same in words as I sent out, but copied on a different piece of paper; I directed Sellar to send it to Prioleau, to obtain its execution, and to have it returned.

When I received it back again I received it from Mr. Sellar, according to my best memory; can't say I ever saw power of Att'y from Prioleau to Sellar, although I know one was executed, because at the time I saw a letter from Prioleau to Sellar, saying he had executed a power of att'y, and that U. S. Consul had detained original, and he had sent him a copy.

The whole language of the power is mine, except that descriptions of parties after their names were not drawn by me; I left blanks.

The circumstances which led me to insert name of Laird in power was fact that in record of Supreme Court, that while Stiles, master, was claimant, name of Laird appeared as registered owner in register found on ship.

Q. In view of these circumstances, what was purpose in inserting his name?

Obj'd to; sustained; exception.

I got back power; date of power, July 2, 1868; subsequently sent it to Key West, in Florida.

Mandate was sent to me in spring of 1868; I sent power of Att'y to Dist. Judge Marshal, or Clerk, in Florida; I had aid of F. A. Dockray, lawyer, in Florida.

I never retained or employed him in behalf of Mr. Laird.

Q. Did you ever authorize or direct him to enter any appearance in the Florida Court on behalf of Mr. Laird?

Obj'd to, that letters are best evidence.

Obj'n overruled, on ground it is not shown there were any letters; exception.

A. No, sir.

Never knew till after I rec'd money that he had entered it.

I had almost exclusively charge of the matter down to receipt of proceeds.

Latter part of 1868, or early part of 1869, I first learned of proceedings by libellants; some time before Feb. 24, 1869; learned that Mr. Ward was counsel for them; between that time and Feb. 24, 1869, I had negotiations with Mr. Ward; general subject was proceedings and position of this fund in Florida, and the disposition of counsel in Florida to send in bills; substantially the subject discussed was the change of the place of action; that letter was the termination of the branch leading to removal of funds and the beginning of the details of carrying out the object desired; that is, of inducing counsel in Florida to let money come here; telegram and letter written to induce that.

Q. Was there any stipulation or understanding between Mr. Ward and yourself about any admission of the title to the proceeds of the Wren, or was that left an open question to be litigated here?

Obj'd to, that no allegation by libellants that there was any admission other than is contained in letters and records, and acts of parties.

Obj'n sustained; exception.

Q. Was there any understanding or agreement between you and Mr. Ward outside of correspondence produced by him?

A. No, sir.

The letter of Feb'y 24, 1869, was intended to denote the suggestion made by us at the time.

Q. When you used expression, "claimants, Laird and Stiles," did you mean claimants on record, or actual claimants of fund?

Obj'd to; obj'n overruled.

A. Claimants on record.

I rec'd the two cheques.

Q. To whose credit were those funds placed?

Obj'd to; obj'n sustained.

Have paid some expenses out of fund.

To Clerk Supreme Court..... $163 00
Counsel fees—
F. A. Dockray..... $1,071 00
Do. 100 00
E. Pierrepont..... 2,000 00
My firm has claim—
Supreme Court..... $2,000 00
Suit by U. S..... 500 00..... $2,500 00

Informed Sellar of receipt of funds—I think immediately on receipt of funds.

I have received communication from Prioleau, through his agent, Sellar, verbally, claiming the funds.

Paper shown, No. 1; I rec'd this from Mr. Prioleau.

This, No. 2, I rec'd from Mr. Prioleau.

Both directly from Mr. Prioleau.

Admitted as to No. 1; that signature is that of Laird, and that subscribing witness is not within U. S., and resides at place in England indicated in connection with his signature, and that signature of subscribing witness is in his own proper handwriting.

§ 57 of Merchants' Shipping Act, 17 and 18 Victoria, Chap. 104.

§ 107, same Act.

No. 1 offered in evidence; bill of sale of Wren, Jan'y 3, 1865, to Charles K. Prioleau.

In connection therewith No. 2 offered; certified copy registry of Wren, and entries on face of register of such bill of sale made in pursuance of statutes above cited.

Received, subject to objections, that they are immaterial, and are incompetent because of estoppel, and because record can't be contradicted.

Bill of sale entered at Custom House, in Liverpool, May 1, 1865.

Nov. 8th, 1872.

Cross-examined. I think my firm did not receive any retaining fee in the prize case in the Supreme Court.

The services I stated, as amounting to $2,000, were taking steps to have case carried up, employed counsel, watched case, superintended it generally; don't remember details; I thought $2,000 a fair charge; endeavoring to get the money under the mandate would come into the $2,000; I got copy of record and gave it to Judge Pierrepont; conferred with him generally in reference to the cause; can't say when consultations with Pierrepont were; they continued for some time prior to the argument.

I have known of Mr. Prioleau, for many years by name, as one of firm of Frazer, Trenholm & Co.; had not done business for him before this.

Never saw Dockray personally; all my communications with him were by letter and telegram.

Motion to strike out evidence on pages 169 and 170, stating he never retained or employed Dockray on behalf of Laird, and never authorized or directed him to enter any appearance in the Florida Court on behalf of Laird.

Motion granted; exception.

Suit by U. S. was on ground that the money belonged to the Confederate States.

Redirect:

I produce correspondence between myself and Dockray.

(Correspondence tendered by counsel of Foster & Thomson to counsel for libellants.

Counsel for libellants says he does not propose to put it in evidence.)

Counsel for libellants having declined to put in evidence the correspondence, counsel for Foster & Thomson asks:

Did you ever retain or employ Mr. Dockray on behalf of Mr. Laird?

Obj'd to on ground (1) matter closed; (2) letters best evidence.

Obj'n sustained; exception.

Did you ever authorize or direct him to enter any appearance in the Florida Court in behalf of Mr. Laird?

Obj'd to on same ground; objection sustained; exception.

Letters read.

1. Foster & Thomson to Dockray, date, Jan'y 5th, 1869, No. 3.

"Try the question of ownership over again."

I understood the suit by U. S. to be a suit brought in the name of U. S. to recover the fund as belonging to the Confederate States; that was the suit the stopping of which I negotiated with the Att'y General's office.

2. Dockray to Foster & Thomson, Jan'y 11th, 1869. No. 4.

3. Foster & Thomson to Dockray, Jan'y 26, 1869. No. 5. Not official.

4. Foster & Thomson to Dockray, Mar. 13, 1869. No. 6.

5. Dockray to Foster & Thomson, March 18, 1869. No. 7.

6. Foster & Thomson to Dockray, March 24, 1869. No. 8.

7. Foster & Thomson to Dockray, March 25, 1869. No. 9.

8. Dockray to Foster & Thomson, March 26th, 1869. No. 10.

9. Telegram, Foster & Thomson to Dockray, May 3, 1869. No. 11.

10. Foster & Thomson to Dockray, May 7th, 1869. No. 12.

11. Telegram, Dockray to Foster & Thomson, May 9, 1869. No. 13.

12. Telegram, Foster & Thomson to Dockray, May 10, 1869. No. 14.

13. Telegram, Dockray to Foster & Thomson, May 12, 1869. No. 15.

14. Dockray to Foster & Thomson, May 10th, 1869. No. 16

15. Draft of Dockray on Foster & Thomson, at sight, for $1,071. No. 17, May 10, 1869.

We paid it.

16. Dockray to Foster & Thomson, May 11, 1869. No. 18.

17. Foster & Thomson to Dockray, May 21, 1869. No. 19.

That is all the correspondence between me and Mr. Dockray.

I have got here correspondence between Foster & Thomson and Prioleau; I produce it.

Counsel for Foster & Thomson offers it to counsel for libellants.

Counsel for Foster & Thomson offers to read such correspondence, understanding from silence of counsel for libellants that they do not intend to offer it.

Obj'd to on ground (1) not cross-examined about; (2) might have been produced on direct yesterday; (3) correspondence not evidence.

Obj'n sustained; exception.

Sellar was here till about Jan'y, 1870.

Letters offered: Foster & Thomson to Prioleau, March 23, 1870; June 7, 1870; July 15, 1870; Oct. 6, 1871; Dec. 20, 1871; Jan'y 22, 1872.

Excluded because after time of service of attachment which raised issue we are now trying; exception.

Re-cross: I think that letters of 10th and 11th of May did not reach me by the same mail; the one of the 10th with the drafts came first; when the one of the 11th came we were indignant that Dockray had appeared for Laird; before we received letter of 11th we had collected money on big draft and not on small one.

For Libellants.

J. Langdon Ward (recalled).

Q. In your negotiations with Mr. Thomson, previous to the issuing of the attachment in this case, was there ever any suggestion or intimation from him that any persons were interested in this fund besides Mr. Laird, the owner of the vessel?

Obj'd to (1) as matter of form; assumes that Thomson suggested Laird was owner; (2) new matter introduced for first time, now on re-direct; (3) that Mr. Thomson has not stated that there was any such suggestion or intimation.

Obj'n sustained on 3d ground; exception.

Large cheque paid.

Brief in Supreme Court offered; admitted subject to obj'n that they are irrelevant and incompetent and *res inter alios;* it not appearing that present position of libellants was or could be affected by any statement in brief of Pierrepont.

Nov. 25, 1872.

Mr. Thomson testifies that exhibit No. 16, letter of 10 May, 1869, was received by Foster & Thomson May 19, 1869.

James Thomson (recalled), the two cheques were given to me, I have no doubt at same time letter was; large cheque was paid May 19, and the other one a few days afterwards.

J. L. Ward, for libellants.

T. C. T. Buckley, for garnishees.

Millingers Cotten, 6 Wallace.

Maley *v.* Shattuck, 3 Cranch, 459.

Allen *vs.* U. S., Taney C. C., 113.

E. H. Owen, for garnishees.

R. D. Benedict, for libellants.

CUSHING
vs.
LAIRD.

Copy minutes of test'y of Judge Blatchford.

Supreme Court of the United States.

No. 101.

THE STEAMSHIP WREN AND CARGO, EDWARD C. STILES, MASTER AND CLAIMANT, *Appellant*,
vs.
THE UNITED STATES.

Appeal from the District Court of the United States for the Southern District of Florida.

Filed February 7, 1866.

United States of America:

District Court of the United States, Southern District of Florida.
In Admiralty.

THE UNITED STATES
vs.
THE STEAMSHIP WREN AND CARGO, EDWARD C. STILES, MASTER AND CLAIMANT. } Prize.

Be it remembered that on the sixteenth day of June, in the year of our Lord one thousand eight hundred and sixty-five, Homer G. Plantz, Esq're, Attorney of the United States for the Southern District of Florida, filed in the office of the clerk of said Court his libel of information against the steamship or vessel called the "Wren," her tackle, apparel, and furniture, and her cargo, in a cause of prize, in the words and figures following, to wit:

District Court of the United States for the Southern District of Florida.
In Admiralty.

THE UNITED STATES
vs.
THE STEAMER WREN AND CARGO. } Prize.

To the Honorable Thomas J. Boynton, Judge of the District Court of the United States for the Southern District of Florida:

The libel of Homer G. Plantz, Attorney of the United States for the Southern District of Florida, who libels for the United States and for all parties in interest against the steamer "Wren" and cargo, in a cause of prize, alleges that Charles W. Gilley and other citizens of the United States, did, on the twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-five, subdue, seize, and capture on the high seas, as a prize of war, the said steamer "Wren" and cargo, and that said captured property has been brought into the

port and harbor of Key West, in the State of Florida, where the same now is, within the jurisdiction of this honorable Court, and that the same is lawful prize of war and subject to condemnation and forfeiture as such.

Wherefore the said attorney prays that the usual process of attachment in prize causes may issue against said captured property; that monition may issue citing all parties having or claiming any interest or property in said captured property to appear and claim the same, that the nature, amount, and value of the said property may be determined; that due and proper proofs may be taken and heard; and that all due and proper proceedings being had, the said captured property may, on the final hearing of this cause by the definitive sentence of this Court, be condemned, forfeited, and sold, and the proceeds distributed according to law.

(Sig'd) HOMER G. PLANTZ,
U. S. Attorney, Southern Dist. of Fl'a.

Rec. 373—1.

Whereupon the following order was madeand entered in this cause, to wit:

At Chambers, June 16th, 1865.

Ordered that attachment and monition be issued as prayed, returnable on Tuesday, June 27th, 1865.

(Sig'd) THO'S. J. BOYNTON,
U. S. District Judge.

Whereupon attachment was issued to the Marshal of said District, commanding him forthwith to attach, seize, and take into his custody the said steamship or vessel called the "Wren," her tackle, apparel, furniture, and the goods, wares, and merchandise comprising the cargo of said vessel, in the port of Key West, or wheresoever the same may be found within his precincts, and the same to keep until the further order of this Court.

Which attachment was afterwards by him returned, duly executed, and, with the return thereon indorsed, is on file in the clerk's office

Also the monition was issued to the said Marshal, commanding him forthwith to cite and admonish all persons whomsoever having or pretending to have any right, title, claim, or interest in or to the said vessel, the steamship "Wren," her tackle apparel, furniture, or cargo, to appear at an admiralty session of said Court to be held at the Court Rooms of said Court at Key West, in said District, on Tuesday, the twenty-seventh day of June, A.D. 1865, at 10 o'clock in the forenoon of that day, to show cause, if any they have, why condemnation and forfeiture should not be decreed according to the prayer of said libellant.

Which monition was afterwards by him returned duly executed, and, with the return thereon indorsed, is on file in the clerk's office.

Afterwards, to wit, on the twenty-sixth day of June, A.D. 1865, Edward C. Stiles, master of said vessel, the steamship "Wren," appears by his proctor, Samuel Walker, Esq're, and files his claim to

the said vessel, the "Wren," in the words and figures following, to wit:

United States District Court, Southern District of Florida.
In Admiralty.

UNITED STATES
vs
STEAMER "WREN" AND CARGO. } Prize.

And now comes Edward C. Stiles and says that he is the master of the said steamer "Wren," and as such is the lawful bailee of said steamer, her tackle, apparel, and furniture, and claims the same for the owner thereof.

And he further says that John Laird, a lawful British subject, residing in England, is the true and *bona fide* owner of said steamer, and that no other person is the owner thereof, as appears by the register of said steamer now in the possession of the Court, and as he is informed and believes.

And he further says that the said steamer had no cargo when seized.

And he further says that he denies that said steamer is a prize of war.

And he further prays restitution of said steamer, her tackle, apparel, and furniture, and that this honorable Court will award such damages as shall appear to have been incurred and suffered by reason of the unlawful seizure and detention of the same, and grant such other and further relief as to the Court may seem meet and just. And he will ever pray, &c.

(Sig'd) EDWARD C. STILES,
Master British steamer "Wren."

(Sig'd) SAMUEL WALKER, *Proctor.*

Sworn and subscribed before me this 26th day of June, 1865.

(Sig'd) GEORGE D. ALLEN, *Clerk.*

Southern District of New York, ss.:

Edward C. Stiles, being duly sworn, deposes and says that he is the master of the British steamer "Wren," and is the claimant named in the above claim; that he knows the contents thereof, and that the matters and allegations therein contained are true in manner and form as therein set forth, and that his knowledge of the same was acquired by his relationship to said steamer as master thereof; that on the 12th day of June, A.D. 1865, the said steamer left the port of Havana, Cuba, bound to Liverpool, England, via Halifax, Nova Scotia; that while on the voyage to the said port, about 1½ o'clock A.M., June 13th, a portion of the crew of said steamer mutinied, and this claimant was put in irons by the mutineers, two of whom entered his room when he was asleep and overpowered him, one holding a

pistol to his head; that about the same time, as he is informed and believes, his first and second officers were also put in irons and the purser arrested, and that when the mutiny occurred, Mr. Duggan, the third officer, and Mr. Wilson, the third engineer, were on duty; that this claimant and the said steamer were then brought into the port of Key West, where the said steamer was delivered over to the prize court by a Mr. Gilley, who at the same time took from the person of this claimant the ship's papers; that this claimant, his first and second officers and purser, were then taken from the said steamer and imprisoned in Fort Taylor; that this claimant was afterwards taken before the Prize Commissioner and required to give evidence, and that he answered under protest.

(Signed) EDWARD C. STILES,
Master Steamer "Wren."

Sworn and subscribed before me this 26th day of June, 1865.

(Sig'd) GEORGE D. ALLEN, *Clerk.*

Afterwards, to wit, on the twenty-seventh day of June, in the year aforesaid, this cause came on to be heard before this Court. Present, the Honorable Thomas J. Boynton, Judge—Homer G. Plantz, attorney aforesaid, appearing on behalf of the United States, and Samuel Walker, Esq'r., proctor on behalf of the said claimant—when the said claimant, by his proctor, makes the following motion, to wit:

United States District Court, Southern District of Florida.
In Admiralty.

UNITED STATES
vs.
STEAMER WREN AND CARGO. } Prize.

And now comes the claimant, Edward C. Stiles, by his proctor, Samuel Walker, and moves the Court for an order to strike out the deposition of John Duggan, who is named as one of the captors in the letter of the said captors, addressed to Admiral C. K. Stribling, and filed in this cause.

(Signed) SAMUEL WALKER, *Proctor.*

Whereupon, on consideration thereof, the Court refused the motion.

Whereupon the Court proceeded to hear this cause upon the allegations and pleadings, the depositions taken *in preparatorio*, and the papers, letters, and writings found on board said vessel, the Wren.

The cause having been fully argued by the respective counsel, the premises were thereupon submitted to the Court.

Afterward, on the twenty-ninth day of June, in the year aforesaid, the following orders were thereupon submitted to the Court, to wit:

UNITED STATES *vs.* THE STEAMER WREN AND CARGO, STILES, CLAIMANT.	In Admiralty. Prize.

In this case it is ord red that the Prize Commissioner immediately take the testimony of Edward C. Stiles, James C. Long, and Thomas R. McGahan, the master, chief officer, and purser of the captured steamer, and any other witnesses who may be produced by the claimant, from the persons on board the captured vessel at the time of the seizure, upon the following interrogatories; and that he also examine Charles W. Gilley, John Howard, and any other witnesses who may be produced by the captors from the persons on board the Wren at the time of seizure, on the first two of the following interrogatories and not upon the others.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer Wren at the time of her seizure?

Second Interrogatory. Give the names of all the persons who took part in the seizure of the Wren and the dispossession of the master, or who had knowledge of the undertaking before the commencement of its execution.

Third Interrogatory. State the name of the person who appointed Edward C. Stiles to the command of the steamer Wren. State to the best of your knowledge and belief.

Fourth Interrogatory. State in what capacity and by what authority the person who appointed Captain Stiles to the command of the Wren acted in making said appointment. State to the best of your knowledge and belief, and give your reasons of information.

Fifth Interrogatory. Did the person who appointed Captain Stiles to the command of the Wren on the day of the appointment or previously hold any public office or position in Havana or Cuba? If so, what office or position? Did he act in any public capacity? If so, in what capacity? State to the best of your knowledge and belief, and give your means of information.

It is further ordered that the parties be allowed two days from the entering of this order within which to produce witnesses, other than those specially named in the order; at the expiration of which time the testimony taken shall be returned into the clerk's office.

(Sig'd) THO'S. J. BOYNTON,
U. S. D. Judge.

THE UNITED STATES *vs.* THE STEAMER WREN, STILES, MASTER AND CL'M'T.	Prize.

In this case it is ordered that the Prize Commissioner take the testimony of such witnesses as shall, within two days from the entering

of this order, be produced by the government or the claimant upon the following interrogatories:

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the captured steamer Wren at the time of her seizure?

Second Interrogatory. Are you acquainted with Charles J. Helm or C. G. Ramsey, of Havana, Cuba? Do you know whether either of said persons held, during the month of May, 1865, or previously, any public office or position in Cuba? If so, what position did either of them act in any public capacity? State as to both, and give your means of information.

Persons who were on board the Wren at the time of her seizure shall not be examined under this order.

(Sig'd) THO'S. J. BOYNTON,
U. S. D. Judge.

Afterwards, to wit, on the third day of July, in the year aforesaid, this cause came on to be further heard before this Court.

Present: The Honorable THOMAS J. BOYNTON, *Judge.*

The parties in this cause appearing by their attorneys aforesaid, when the Court resumed the hearing of this cause upon the allegations and pleadings, the depositions taken *in preparatorio*, and the papers, letters, and writings found on board said vessel, the Wren, and depositions taken under orders allowing further proof in this case.

The cause having been fully argued by the respective counsel, the premises were thereupon submitted to the Court.

Afterwards, upon consideration thereof, on the eighth day of said month of July, the parties aforesaid being present, the Court announced its opinion in this case and condemnation of vessel and cargo.

Whereupon the claimant, by his proctor, excepts to the ruling of the Court on motion to strike out the deposition of John Duggan, in the words following, to wit;

UNITED STATES
vs.
STEAMER WREN AND CARGO. } Prize.

And now comes Edward C. Stiles, the claimant in this cause, by his proctor, Samuel Walker, and takes exception to the ruling of the Court, disallowing his motion to strike out the deposition of John Duggan.

(Signed) SAMUEL WALKER, *Proctor.*

Afterwards, on the fifteenth day of August, in the year aforesaid, the following decree was entered in this cause;

District Court of the United States, Southern District of Florida.
In Admiralty.

THE UNITED STATES
vs.
THE STEAMER WREN AND CARGO. } Prize.

A claim having been interposed for this vessel and cargo by Edward C. Stiles, master of said vessel, for and on account of John Laird, the younger, a British subject, and this cause having been heard on the libel and proofs and testimony taken *in preparatorio*, and pleadings of the claimant, and all due proceedings having been had, and the Court being fully advised in the premises, and it appearing to the Court that the said steamer Wren, her tackle, apparel, furniture, and cargo were, at the time of capture, the property of enemies of the United States, it is now ordered, adjudged, and decreed that the said steamer Wren, her tackle, apparel, furniture, and cargo, be condemned and forfeited to the United States as lawful prize of war.

And it is further ordered that the clerk of this Court issue a writ of *venditioni exponas* to the marshal of the District, for the sale of said steamer Wren, her tackle, apparel, furniture, and cargo, and that the marshal make return of sale and expenses to this Court, and deposit the proceeds of such sale with the Assistant Treasurer of the United States, subject to the order of this Court, as required by law.

(Signed) THO'S. J. BOYNTON,
U. S. D. Judge.

Whereupon, the foregoing final decree being pronounced and entered in this cause, comes Samuel Walker, Esq., proctor of the said claimant, and shows to the Court that the matter in dispute exceeds in value the sum of two thousand dollars, and thereupon in open Court prays an appeal from the aforesaid decree to the Supreme Court of the United States, next to be holden at Washington, on Monday, the fourth day of December next. Thereupon it is ordered that the same be accordingly allowed, on the claimant giving security as required by law and the rules of this Court, to answer all costs and expenses that may be adjudged and decreed against him and to prosecute the appeal to effect.

Afterwards, the said claimant having deposited in the Registry of this Court the sum of two hundred and fifty dollars as security to answer all costs and expenses that may be adjudged and decreed against him, and to prosecute said appeal to effect, whereupon it is ordered that said appeal be accordingly allowed.

Afterwards, on the twenty-fifth day of August aforesaid, the Court made the following order, to wit:

District Court of the United States, Southern District of Florida.

THE UNITED STATES
vs.
THE STEAMER "WREN" AND CARGO. } Prize.

Ordered that the original of the following papers returned into this Court by the Prize Commissioner be transmitted to the Supreme Court in lieu of copies of the same as part of the record in said cause appealed to the Supreme Court:

Paper A. Communication from captors to the admiral commanding at Key West, dated June 14th, 1865.

Schedule E, No. 11. Letter addressed to Hon. John Slidell, from E. C. Stiles, dated at London, December 10th, 1863.

Schedule G, No. 16. Letter dated August 10th, 1863, on board steamer H. Pinckney, addressed to Captain F. Johns.

G, No. 36. Power of attorney from E. C. Stiles appointing Henry M. Maglee his true and lawful attorney.

G, No. 59. Form of oath signed by E. C. Stiles.

G, No. 67. Letter from S. R. Mallory, dated Richmond, May 25th, 1863, addressed to Lieut. E. C. Stiles, C. S. Navy.

G, No. 91. Envelope officially directed as follows, to wit, headed "Confederate States of America, headquarters Dist. of Texas, New Mexico, and Arizona. Official business. Col. Charles J. Helm, C. S. Agent, Havana, Politeness of commander Stiles, C. S. N."

Schedule K, No. 27. Letter addressed Hon. S. R. Mallory, Secretary of Navy, Richmond, Va., from E. C. Stiles, dated steamer H. Pinckney, June 30th, 1863.

(Signed) THO'S. J. BOYNTON,
U. S. D. Judge.

A.

STEAMER WREN, Key West, June 14th, 1865.

To the Admiral commanding at Key West;

SIR: We, the undersigned, respectfully wish to inform you that, with the sanction of the United States Consul at Havana, we have succeeded in capturing the Steamer Wren, late Confederate blockade runner, and in pursuance of orders received from him to report to you at Key West the earliest opportunity after her arrival. We take this method of doing so, understanding you have already received the list of names from the United States Consul at Havana. As to all minor details I await the opportunity of informing you verbally. Hoping you will arrange matters at your earliest convenience, as we have another vessel in view.

Mr. P. Hamilton, Jno. Howard, Jno. Duggan, R. Carston, P. Murray, Ed. Farrell, Louis Burns, R'd Hill, P. Collie, Cha's Davis.

Yours, respectfully,

P. HAMILTON,
JNO. HOWARD.

[Marked on Prize Com'ss'rs Schedule, B.]

HEADQUARTERS E. G. SQUADRON,
Key West, Fl'a, June 14th, 1865.

SIR: The steamer Wren, late Confederate blockade runner, has been captured by her crew and brought into this port.

I request you will give such instructions as will insure the possession of the vessel. I inclose letter from the captors.

I am, very respectfully, your ob't serv't,
(Signed) C. K. STRIBLING,
Act'g R. Admiral, comd'g E. G. Squad'n.

W. C. MALONEY, *Prize Commissioner, Key West, Fl'a.*

[Marked on Prize Com'ss'rs Schedule, C.]

Southern District of Florida, ss.:

In the matter of the steamer Wren and cargo.

Be it remembered, that on this fifteenth day of June, in the year of our Lord one thousand eight hundred and sixty-five, before me, Walter C. Maloney, Prize Commissioner for the Southern District of Florida, personally appeared at my office in Key West, Charles W. Gilley, who being duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, did thereupon depose and say; That he, together with the persons hereinafter named, being loyal citizens of the United States, and being together in Havana, Cuba, in the month of June, in the year 1865, engaged between themselves to capture the steamer Wren, the property of the so-called Confederate States of America, the said steamer Wren then being about sailing out of Havana, and to that end the said persons hereinafter named joined the ship's company of said steamer in various capacities, and sailed out of the port of Havana in said steamer on the twelfth day of June, 1865. That on the morning of the thirteenth day of June, 1865, before daylight, in lat. 26° N., long. 79° 40′ W., the said persons took possession of the said steamer upon the high seas, and immediately directed her course to the port of Key West, where they anchored the said steamer under the guns of Fort Taylor, in said last mentioned port, on the evening of the said last mentioned day.

The said Charles W. Gilley further says, that he has secured all the papers which could be found on board the said steamer, and has faithfully delivered the same to the above named Prize Commissioner, together with a Confederate flag found on board.

Deponent alleges that the said steamer is the property of the so-called Confederate States pretended Government and lawful prize of war.

List of the names of the persons engaged in the capture of the above named steamer.

Charles W. Gilley, P. Hamilton, J. Howard, R. Carson, Charles Davis, P. Murray, L. Vernell, P. Colley, C. Folley, O. Folley, assisted by the following named persons in bringing in the vessel after

capture: in the engineer's department—John Brown, James Moore, George Wilson, John Sheppard, and ch'f eng. G. R. McComber, 2nd eng. B. Williams.

He further says, that if at any time hereafter, and before the final condemnation or acquittal of said captured property, any further or other papers shall be found or come to his knowledge relating thereto, they shall also be delivered up or information thereof be given to said Commissioner or to the District Court of the United States for this District.

(Signed) C. W. GILLEY.

Sworn and subscribed before me this 15th day of June, A.D. 1862.

(Signed) W. C. MALONEY.
Prize Commissioner.

Depositions taken *in preparatorio.*

District Court of the United States for the Southern District of Florida.

THE UNITED STATES
vs.
THE STEAMER "WREN" AND CARGO. } Prize.

Deposition of Edward C. Stiles before Walter C. Maloney, Prize Commissioner, at Key West, 17th June, 1865.

1st. To the first interrogatory deponent answers, that his name is Edward C. Stiles, born in Pennsylvania, has lived for the last seven years partly in Europe and partly in the Southern Confederate States. He considers England as his home, having lived there last. He considers himself a subject of Great Britain, and as owing allegiance to Queen Victoria; was born in the United States. Has heard his father say that he was born in the Island of Bermuda, and had never been naturalized as a citizen of the United States; is a widower without family.

2d. To the second interrogatory deponent answers, that he was present at the time of the capture or taking of the Wren.

3d. To the third interrogatory deponent answers, that on the morning of the thirteenth June, before daylight, the seizure was made by a portion of his own crew taking possession of the steamer, and placing himself and two of his officers in irons. The steamer was brought into the port of Key West on the evening of the same day. The steamer had no commission or letters authorizing her to make prizes. He considers the seizure a clear case of mutiny.

4th. To the fourth interrogatory deponent answers, the captured vessel sailed under the British colors; does not know what other colors were on board; the third officer had informed him that there was a Confederate flag on board, and he was satisfied that there was such a flag on board. The witness desires to correct the foregoing statement by saying there was a Confederate flag on board: does not

know for what reason the Confederate flag was on board; he did not take it on board nor did he want it on board.

5th. To the fifth interrogatory deponent answers, that himself and officers were overpowered simultaneously; no further resistance was made, no guns were fired. The capture was not made by any ship or ships, but by a portion of his own crew; no ships in sight at the time of the capture. The captured vessel was a merchantman, and belonged to one Laird, junior, as he inferred from the register, and was informed.

6th. To the sixth interrogatory deponent answers, the first port the vessel would have entered would have been Halifax, if she had not been seized; the second port would have been Liverpool, England. He was employed to take her to Liverpool, England, and should there have delivered her up.

7th. To the seventh interrogatory deponent answers, the vessel taken was named the Wren, and Edward C. Stiles, master. He was appointed to the command by Mr. Ramsay, at Havana; has known the vessel about six weeks; is himself the master; the vessel was delivered to deponent by Captain Moore; the fixed place of abode of witness is in England.

8th. To the eighth interrogatory deponent answers, the vessel is about four hundred and fifty tons; is not positive as to the number of the vessel's company; thinks there were thirty-four, and all on board at the time of seizure; some are Englishmen, some are Southerners. They all came on board at Havana; the third officer, the steward, and one boy deponent believes were in the vessel on a former voyage, and reshipped for this voyage; the others of the crew came on board at Havana at different times; they were shipped by the government shipping master at Havana in the month of June, eighteen hundred and sixty-five. The terms were for a voyage from Havana to Liverpool for the sums set opposite their respective names, varying according to their situation; deponent as master was in no event to receive a larger compensation than that mentioned in the shipping agreement; for others he does not believe there was any other compensation to be allowed than that mentioned in the shipping agreement. The agreement was absolute.

9th. To the ninth interrogatory deponent answers, that he was master of the vessel at the time of seizure. He had no part, share, or interest in the vessel, nor does he believe that any of the officers or ship's company had any such.

10th. To the tenth interrogatory deponent answers, has known the vessel for about six weeks; first saw her in Havana; she carried no guns; the vessel is British build; her name is the Wren; does not know of her having borne any other name.

11th. To the eleventh interrogatory deponent answers, does not know what her draft of water would be if fully loaded. She drew about six feet and a half when captured. She has no cargo on board; nothing but her coals; does not know any reason why she was not deeper loaded.

12th. To the twelfth interrogatory deponent answers, that the vessel had a British register and crew list; no other papers on board belonging to the vessel; her last voyage was from Havana to Galveston,

Texas, and back to Havana; does not know what cargoes the vessel has carried to the time of capture; the last clearing port was Havana; on the tenth of June, 1865.

13th. To the thirteenth interrogatory deponent answers, that the vessel had no cargo on this voyage; nothing but coals.

14th. To the fourteenth interrogatory deponent answers, he believes that one Laird, junior, was owner of the vessel at the time she was seized. He only knows that from the register. He believes the said owner to be an Englishman. Deponent believes that said owner lives in Liverpool; has no acquaintance with said owner, does not know how long the said owner has been in possession, nor of whom he purchased.

15th. To the fifteenth interrogatory deponent answers, that he does not know of any bill of sale; has never seen any bill of sale of the vessel.

16th. To the sixteenth interrogatory deponent answers, that the vessel had no lading at the time of capture, nothing but coals.

17th. To the seventeenth interrogatory deponent answers, there were no bills of lading.

18th. To the eighteenth interrogatory deponent answers, there were no bills of lading, no invoices, letters, or other writings on board except the register, to prove or show the interest of any person whatever in the vessel. He has not had possession of any other such paper or writing except the register.

19th. To the nineteenth interrogatory deponent answers, the vessel was seized in lat. 26° N., long. W. on the morning of the thirteenth of June, 1865, before daylight; in the Gulf Stream; there was no charter party; the deponent was engaged to take the vessel to Liverpool and deliver her there to Fraser, Trenholm & Co.

20th. To the twentieth interrogatory deponent answers, that all the letters and papers of which he has any knowledge of having been on board on the present voyage were taken by the asserted captors, with the exception of one letter to himself from the agent of the vessel, Mr. Helms, at Havana, which was destroyed, and an order in favor of deponent from Mr. Helms for the payment of forty pounds, payable on delivery of the ship at Liverpool.

21st. To the twenty-first interrogatory deponent answers, that he knew that all the Southern ports were blockaded at one time; at the time of the sailing of the vessel on the voyage on which she was seized he understood that the war was over, and that the blockade had ceased.

22d. To the twenty-second interrogatory deponent answers, neither the port from which the vessel sailed on the voyage on which she was captured nor the port to which she was bound was under an order of blockade by the Government of the United States; heard nothing said of the vessels breaking any blockade.

23d. To the twenty-third interrogatory deponent answers, no.

24th. To the twenty-fourth interrogatory deponent answers, he has heard that the vessel had, after the establishment of the blockade, run the blockade.

25th. To the twenty-fifth interrogatory deponent answers, he does not know.

26th. To the twenty-sixth interrogatory deponent answers, he has lost by the seizure of the vessel his wages, expenses, and damages, which he intends claiming; has not received any indemnity, satisfaction, or promise of satisfaction, for any part of the damage sustained, or which may be sustained.

27th. To the twenty-seventh interrogatory deponent answers, he does not know, nor has he been informed of, any insurance on the vessel.

28th. To the twenty-eighth interrogatory deponent answers, that there was no cargo on board the vessel.

29th. To the twenty-ninth interrogatory deponent answers, there was no cargo on board the vessel.

30th. To the thirtieth interrogatory deponent answers, there was no cargo.

31st. To the thirty-first interrogatory deponent answers, he has no knowledge of any such papers, except a register from the Custom House at Liverpool.

32d. To the thirty-second interrogatory deponent answers, all the papers which were on board the vessel when she sailed on her last voyage, and which were on board at the time of capture, with the exception of the letter acknowledged to have been destroyed, were taken out of the vessel after her arrival at the port of Key West by the Prize Commissioner, and he believes they are now in his possession.

33d. To the thirty-third interrogatory deponent answers, no.

34th. To the thirty-fourth interrogatory deponent answers, there were three passengers on board; none secreted; their names were Mr. and Mrs. Swymmer and Mr. Mills. Mr. Swymmer is an Englishman and a merchant; has heard Mr. Mills say that he was a citizen of Charleston, South Carolina; does not know his rank or occupation; does not know of their having any commission; they were taken on board at Havana and were destined to Halifax; does not know on what business.

35th. To the thirty-fifth interrogatory deponent answers, he believes all the papers on board were true and fair; they were obtained only for this vessel, as he believes; he only joined the vessel in the present month, and knows nothing of the papers obtained before he joined her further than appears on their face.

36th. To the thirty-sixth interrogatory deponent answers, there was no capturing vessel in the case; the capture or seizure was made by a portion of the crew of the captured vessel. The vessel was steering northerly; had been on that course about three hours; lat. 26° N., long. 79° 40′ W. The vessel's course was at all times directed to the port to which she appears by the ship's papers to have been destined. The log was kept on a slate, and had not been transferred to the log book as yet, the first twenty-four hours of her voyage not having expired.

37th. To the thirty-seventh interrogatory deponent answers, that he has no knowledge of any sale of the vessel at any time. He verily believes that if the vessel should be restored she will belong to Mr. Laird, the asserted owner, and to none others.

38th. To the thirty-eighth interrogatory deponent answers, that

there were no guns mounted; no arms on board except two pistols and one sword; none of the other articles on board which are inquired about in this interrogatory.

39th. To the thirty-ninth interrogatory deponent answers, that he believes the real and true property of the vessel is in Mr. Laird, of Liverpool, and her destination to have been to Liverpool.

40th. To the fortieth interrogatory deponent answers, no.

41st. To the forty-first interrogatory deponent answers, that the vessel on the voyage in which she was captured did not sail from or to a port under blockade. He has known the vessel on former voyages to sail from and to the port of Galveston, Texas, one of the blockaded ports under the forces of the United States.

42d. To the forty-second interrogatory deponent answers, no.

43d. To the forty-third interrogatory deponent answers, no.

The above answers are correctly stated, but signed under protest.

(Signed) EDW'D. C. STILES,
Master British Steamer Wren.

Taken before me this 17th June, 1865.

(Signed) W. C. MALONEY,
Prize Com'r.

Deposition of James C. Long, before Walter C. Maloney, Prize Commissioner, at Key West, on the 20th June, 1865.

1st. To the first interrogatory deponent answers, that his name is James C. Long; born in Tennessee; has lived for the last seven years, a portion of the time, in Tennessee and the Southern States; he now lives in Tennessee, and was born and raised there; is a citizen of the State of Tennessee; owes allegiance to the United States.

2d. To the second interrogatory deponent answers, that he was present at the capture and taking of the Wren.

3d. To the third interrogatory deponent answers, that the seizure was made on the morning of the thirteenth of June, 1865, in the Straits of Florida; was carried into the port of Key West. The vessel had no commission or letters authorizing her to make prizes.

4th. To the fourth interrogatory deponent answers, that the vessel sailed under British colors; knows of no other colors on board.

5th. To the fifth interrogatory deponent answers, that there was no resistance; no guns fired. The capture was not made by any ship or ships, but by a portion of the crew who mutinied and took possession of the vessel. No vessels in sight at the time. The captured vessel was a merchantman.

6th. To the sixth interrogatory deponent answers, that the first port which the vessel would have entered would have been Halifax; the second port, Liverpool. The voyage would there have ended.

7th. To the seventh interrogatory deponent answers: The name of the vessel was the Wren; the name of the master, Edward C. Stiles. Mr. Ramsay, at Havana, appointed him to the command. Has known the vessel for about three months; has known the master about the same time. He took possession at Havana on the thirty-first day of May of the present year. Captain Moore, her former

master, delivered the possession of the vessel to him; he believes the fixed place of abode of the master is England; does not know if he has any family; has heard the master say he was born in Pennsylvania; has heard him say he was a British subject.

8th. To the eighth interrogatory deponent answers, that he does not know the tonnage of the vessel. The number of the vessel's company was thirty-five; all on board at the time of seizure. Some are English, some Americans: does not know how many of either. Some had been on former voyages in the vessel, and rejoined her for the present voyage at Havana. All came on board at Havana in the month of June, 1865. They were all shipped by the public shipping master at Havana in June. The terms of the voyage was for a voyage from Havana to Liverpool; seamen at three pounds ten shillings per month; firemen at four pounds ten thillings per month. Deponent's wages were twenty pounds per month as first officer. Neither himself nor any other of the ship's company were to receive in any event any larger compensation than was mentioned in the shipping agreement. The agreement was absolute.

9th. To the ninth interrogatory deponent answers, that he belonged to the company of the vessel as first officer. Neither himself or others of the vessel's company had any part, share, or interest in the vessel.

10th. To the tenth interrogatory deponent answers, that he has known the vessel for about three months. First saw her in Havana in the month of April last; she carried no guns; is English build; is named the Wren; does not know of her ever having borne any other name.

11th. To the eleventh interrogatory deponent answers, does not know her draught with a full cargo on board. She drew about six feet three inches when captured. She had no cargo whatever; knows no reason otherwise.

12th. To the twelfth interrogatory deponent answers, that he does not know what papers the vessel carried; does not know, but has heard and believes, that the vessel was engaged in bringing out cotton from Galveston on former voyages. Her last voyage began at Havana, and was to have ended at Liverpool.

13th. To the thirteenth interrogatory deponent answers, the vessel had no cargo on the present voyage.

14th. To the fourteenth interrogatory deponent answers, that he does not know, and has never heard, who were or are the owners of the vessel, or how long they have been in possession.

15th. To the fifteenth interrogatory deponent answers, that he does not know anything in regard to a bill of sale for the vessel, nor of any engagement for the purchase of the vessel.

16th. To the sixteenth interrogatory deponent answers, that the vessel carried no lading on the present voyage; nothing but coal to make steam.

17th. To the seventeenth interrogatory deponent answers, that there were no bills of lading.

18th. To the eighteenth interrogatory deponent answers, no.

19th. To the nineteenth interrogatory deponent answers, that the lat. was 26° N., long. 79° 40′ W., at the time of the seizure,

on the thirteenth day of June, eighteen hundred and sixty-five, in the Straits of Florida.

20th. To the twentieth interrogatory deponent answers, that he does not know what papers were on board the vessel when she took her departure from Havana. Does not know of any having been burnt, torn, thrown overboard, destroyed or cancelled, or attempted to be concealed.

21st. To the twenty-first interrogatory deponent answers, that he had had knowledge of all the Southern ports having been blockaded at one time, but at the time of leaving on the present voyage was informed that all those ports were in possession of the forces of the United States.

22d. To the twenty-second interrogatory deponent answers, no.

23d. To the twenty-third interrogatory deponent answers, no.

24th. To the twenty-fourth interrogatory deponent answers, that, from information received at Havana, he believes that the vessel had previously run the blockade out of Galveston, Texas, successfully.

25th. To the twenty-fifth interrogatory deponent answers, no.

26th. To the twenty-sixth interrogatory deponent answers, no loss except the loss of time. He has not received any indemnification or promise of satisfaction.

27th. To the twenty-seventh interrogatory deponent answers, he does not know.

28th. To the twenty-eighth interrogatory deponent answers, that the vessel carried no cargo on the present voyage.

29th. To the twenty-ninth interrogatory deponent answers, there was no cargo.

30th. To the thirtieth interrogatory deponent answers, there was no cargo.

31st. To the thirty-first interrogatory deponent answers, not to his knowledge.

32d. To the thirty-second interrogatory deponent answers, that he believes all the papers were taken out of the vessel after her arrival at Key West by the Prize Commissioner, and he believes they are in the possession of the Prize Commissioner now; he does not know of any having been taken out by any other person or at any other time.

33d. To the thirty-third interrogatory deponent answers, no.

34th. To the thirty-fourth interrogatory deponent answers, there were three passengers on board; none secreted; their names were Mr. and Mrs. Swymmer and Mr. Mills; has heard Mr. Mills say he was from South Carolina; Mr. and Mrs. Swymmer are English; does not know of their rank, profession, or occupation; they were all taken on board at Havana in the month of June; they were finally destined to Halifax; does not know on what business; does not believe that any of the passengers had any property or concern or authority, directly or indirectly, regarding the vessel.

35th. To the thirty-fifth interrogatory deponent answers, that he knows nothing whatever about the character of the papers of any description which were found on board.

36th. To the thirty-sixth interrogatory dependent answers, there was no capturing vessel; the captured vessel's course was north; the

lat. was 26° N., long. 79° 40′ W.; the vessel's course was at all times directed to the port to which, by the ship's papers, she was destined.

37th. To the thirty-seventh interrogatory deponent answers, that he has no knowledge of any sale or transfer of the vessel.

38th. To the thirty-eighth interrogatory deponent answers, that there were no guns mounted; no arms but the private arms of the officers; nothing of the various articles enumerated.

39th. To the thirty-ninth interrogatory deponent answers, that he does not know anything whatever about the ownership of the vessel; he believes that her true destination was Liverpool.

40th. To the fortieth interrogatory deponent answers, not to his knowledge.

41st. To the forty-first interrogatory deponent answers, that on the present voyage the vessel did not sail from or to any blockaded port; he has been informed that on the former voyages she has run the blockade at Galveston.

42nd. To the forty-second interrogatory deponent answers, no.

43rd. To the forty-third interrogatory deponent answers, no.

(Signed) JAS. C. LONG.

Deposition of Thomas R. McGahan before Walter C. Maloney, Prize Commissioner, at Key West, on the 19th June, 1865.

1st. To the first interrogatory deponent answers, that his name is Thomas R. McGahan; born in Georgia; has lived for the last seven years in Charleston, South Carolina; lives in Charleston, and has lived there for the last twelve years; is a citizen of South Carolina, and owes allegiance to that State; is a married man; his family resides in Augusta, Georgia.

2d. To the second interrogatory deponent answers, that he was present at the capture or taking of the Wren.

3d. To the third interrogatory deponent answers, that the capture was made at sea, on the morning of the thirteenth of June; was carried into the port of Key West; the vessel had no commission or letters authorizing her to make prizes to his knowledge; he does not know for what reasons or on what pretence the capture was made.

4th. To the fourth interrogatory deponent answers, the captured vessel sailed under British colors; he saw no other colors until the vessel arrived in this port; saw then a Confederate flag; does not know for what reason she had such other colors.

5. To the fifth interrogatory deponent answers, there was no resistance made at the time of capture; no guns were fired; the capture was not made by any ship or ships, but was made by a portion of the crew rising upon the master and officers of the vessel, and taking forcible possession; the captured vessel was a merchantman.

6th. To the sixth interrogatory deponent answers, the first port which the vessel would have entered, if she had not been seized, would have been Halifax; the second port Liverpool; her voyage would have terminated there.

7th. To the seventh interrogatory deponent answers, the vessel's name was the Wren; the name of her master is Edward C. Stiles;

the master was appointed to the command, as he understood, by Major Helms, at Havana; has known the vessel only from the tenth of the present month of June, 1865; has known the master for about six weeks; the master took possession of her at Havana; does not know who delivered the possession of her; believes that the master took possession by authority of Major Helms; does not know the fixed place of abode of the master or of his family; does not know where he was born; does not know of what country or State he is a subject or citizen; has heard him say he was a subject of Great Britain.

8th. To the eighth interrogatory deponent answers, that he does not know the tonnage or burden of the vessel; does not know the number of the vessel's company, nor the actual number on board at the time of capture, nor what countrymen they are; all came on board at Havana; believes they were hired by C. G. Ramsay, at Havana; the terms of the shipping agreement was for a voyage from Havana to Liverpool, for the sums set opposite to the respective names, varying according to the station of the party; he was not on pay; and believes the shipping agreement was absolute, and that no other or greater compensation was to have been allowed for the voyage.

9th. To the ninth interrogatory deponent answers, that he belonged to the company of the vessel in the capacity of purser; he had no interest or share in the vessel; nor does he know or believe that any other person on board had any share or interest in said vessel; the vessel was without cargo.

10th. To the tenth interrogatory deponent answers, he has known the vessel about two weeks; first saw her in Havana; carried no guns; believes she is English build; has only known her by the name of the Wren; had never heard of her having any other name.

11th. To the eleventh interrogatory deponent answers, he does not know.

12th. To the twelfth interrogatory deponent answers, he does not know what papers the vessel carried; has been informed that the vessel had been trading to Galveston; her last voyage began at Havana, and was to have ended at Liverpool; does not know what cargoes the vessel has carried into Galveston; has been told she brought out cotton; the last clearing port was Havana previous to capture.

13th. To the thirteenth interrogatory deponent answers, he believes the vessel has no cargo; nothing but coals.

14th. To the fourteenth interrogatory deponent answers, he belives that Fraser, Trenholm & Co., of Liverpool, are the owners of the vessel, and were so at the time she was seized; has no personal knowledge as to who are the owners; he has heard Major Helms at Havana, and Mr. Lafitte also at Havana, speak of Frazer, Trenholm & Co. as the owners of the vessel; does not know of what nation or country such owners are by birth; does not know where they reside, nor their wives or families; does not know how long the present owners have been in possession, nor of whom they purchased.

15th. To the fifteenth interrogatory deponent answers, does not know anything about a bill of sale for the vessel; has never seen any for this vessel.

16th. To the sixteenth interrogatory deponent answers, he believes there is no cargo or lading on the vessel except coals for the use of the ship.

17th. To the seventeenth interrogatory deponent answers, there are no bills of lading; no cargo.

18th. To the eighteenth interrogatory deponent answers, he has not in his possession, nor were there on board at the time of capture within his knowledge, any writings of any description to prove or show his own interest, or the interest of any other person in the vessel or goods on board of her.

19th. To the nineteenth interrogatory deponent answers, he does not know the degrees of latitude or longitude in which the vessel was seized or captured; it was on the morning after leaving Havana, the thirteenth of present month; she was brought into Key West on the evening of the same day; no charter party that he knows of; does not know of any agreement, verbal or otherwise, concerning the voyage on which the vessel was captured.

20th. To the twentieth interrogatory dependent answers, he does not know what papers were on board the vessel at the time she took her departure from the last clearing port; deponent destroyed three papers handed to him by the master after the arrival of the vessel at Key West; he was instructed to destroy them; he does not know their contents; he was told by the master that one of the papers was the instructions for the voyage; one of the papers, which was open, was in the handwriting and signed by Charles J. Helm, Havana.

21st. To the twenty-first interrogatory deponent answers, that he had known that all the ports of the southern coast had been held under blockade by the naval forces of the United States, but at the commencement of the present voyage he understood that all the ports were then open, and that the blockade had ceased.

22d. To the twenty-second interrogatory deponent answers, neither the port from which the vessel sailed nor the port to which she was bound were under order of blockade by the Government of the United States at the time she sailed or was captured; nothing whatever had been said about the vessel's breaking any blockade on the voyage on which she was captured by any person, or visiting any intermediate port, and thence breaking any blockade.

23d. To the twenty-third interrogatory dependent answers, the register of the vessel was not shown to or examined by any officer of the United States navy or revenue service before she was captured.

24th. To the twenty-fourth interrogatory deponent answers, that he believes, from information received from C. G. Ramsay, at Havana, that the vessel had more than once violated the blockade of the port of Galveston, Texas, always successfully.

25th. To the twenty-fifth interrogatory deponent answers, not to his knowledge.

26th. To the twenty-sixth interrogatory deponent answers, his only loss is in the time he has been detained; he has not received any indemnity, satisfaction, or promise of satisfaction.

27th. To the twenty-seventh interrogatory deponent answers, he does not know of any insurance.

28th. To the twenty-eighth interrogatory deponent answers, there was no cargo on the vessel.

29th. To the twenty-ninth interrogatory deponent answers, there was no cargo.

30th. To the thirtieth interrogatory deponent answers, there was no cargo.

31st. To the thirty-first interrogatory deponent answers, he does not know of the existence of any such papers anywhere; the vessel had a British register.

32d. To the thirty-second interrogatory deponent answers, all the papers or writings which were on board the vessel at the time of her departure from Havana, with the exception of those destroyed, were delivered to the Prize Commissioner at Key West after the arrival of the vessel in this port, and by him carried out of the vessel; he believes they are still in his possession.

33d. To the thirty-third interrogatory deponent answers, no.

34th. To the thirty-fourth interrogatory deponent answers, there were three passengers recognized as such on board the vessel; none of these were secreted at the time of capture; there was one other person who came on board clandestinely, and up to the time of the capture was secreted on board; he was one of those who assisted in making the capture; the passengers by name were Mr. and Mrs. Swymmer and George E. Mills; Mr. and Mrs. Swymmer are English; Mr. Mills is from Charleston, South Carolina; Mr. Swymmer is a merchant; Mr. Mills has been a signal officer in the Confederate States service; does not know of any commission held by either; they were taken on board at Havana, and were finally destined to Halifax; none of the passengers, to his knowledge, had any property in or concern or authority, directly or indirectly, concerning the vessel or cargo.

35th. To the thirty-fifth interrogatory dependent answers, that he believes all the papers of every character which were found on board are entirely true and fair; he knows of no circumstance or matter to affect their credit; he does not know anything about the papers; Mr. Swymmer had a Spanish passport to leave the island of Cuba, and also a British protection; has not written any letters or papers concerning the vessel or her cargo.

36th. To the thirty-sixth interrogatory deponent answers, the capture was not made by a vessel, but by a portion of the crew of the Wren; does not know the courses steered, nor the latitude and longitude; he believes the vessel was at all times directed to the port to which by her papers she appears to have been destined.

37th. To the thirty-seventh interrogatory deponent answers, that he knows nothing of any sale or transfer of the vessel at any time; he verily believes that if the vessel should be restored she will belong to the persons now asserted to be the owners, and to none others.

38th. To the thirty-eighth interrogatory deponent answers, there were no guns mounted; no arms or ammunition on board; does not know or believe that any of the articles enumerated in this interrogatory were on board.

39th. To the thirty-ninth interrogatory deponent answers, he be-

lieves the real and true property of the vessel is in Fraser, Trenholm & Co., and her true destination was Liverpool.

40th. To the fortieth interrogatory deponent answers, no.

41st. To the forty-first interrogatory deponent answers, that on the present voyage the vessel did not sail from or to any port under blockade; during former voyages he has heard from Mr. Ramsey at Havana that she had run the blockade at Galveston, Texas.

42d. To the forty-second interrogatory, deponent answers, he has no knowledge on the subject.

43d. To the forty-third interrogatory deponent answers, no.

(Signed) T. R. McGAHAN.

Deposition of John Duggan, before Walter C. Maloney, Prize Commissioner at Key West, on the 20th day of June, 1865.

1st. To the first interrogatory deponent answers, that his name is John Duggan; was born in Charleston, South Carolina; has lived in Halifax, Nova Scotia, for the last seven years; lives now in Liverpool, England, has lived there the last seven months; is a citizen of the United States and owes allegiance to the same; is a married man; his wife and family reside in Liverpool, England.

2d. To the second interrogatory deponent answers, that he was present at the capture of the steamer Wren.

3d. To the third interrogatory deponent answers, that the seizure was made in the Gulf of Florida on the morning of the thirteenth of June, 1865. The vessel was carried into the port of Key West; the vessel had no commission or letters authorizing her to make prizes, so far as he knows; he believes that the reason for the seizure was from the fact that the vessel was considered and believed to be owned by the Confederate States.

4th. To the fourth interrogatory deponent answers, that the vessel sailed under the English flag; she had a Confederate flag on board, which she hoisted frequently in the harbor of Havana; witness has hoisted this flag on the vessel himself by orders of his superior officer on board; he believes the reason for having this Confederate flag on board was because she was the property of the Confederate States; she displayed this Confederate flag on her flagstaff abaft while in the harbor of Galveston, in the manner usually displayed by national vessels.

5th. To the fifth interrogatory deponent answers, that there was no resistance made at the time of capture; no guns were fired; the capture was not made by any ship or ships, but by a portion of the crew of the Wren; the captured vessel was a merchantman; he does not know to whom the vessel belonged, but has heard Captain Moore, one of her former masters, with whom he sailed in said vessel on former voyages, say that she was owned by the Confederate Government.

6th. To the sixth interrogatory deponent answers, that the first port the vessel would have entered if she had not been captured and seized, would have been Halifax; her next port would have been Liverpool.

7th. To the seventh interrogatory deponent answers, that the vessel's name was the Wren; the name of the master Edward Stiles; he was appointed to the command of the vessel by Major Helms, at Havana; has known the vessel about six months and her master about four weeks; he took possession of her in May, in the port of Havana; Captain Moore, her former master, delivered her to him; does not know the fixed place of abode of the master or of his family; does not know where he was born.

8th. To the eighth interrogatory deponent answers, the vessel is about four hundred tons burden; the number of the vessel's company was thirty-five, all on board at the time of seizure; some are Americans, some are English; does not know how many of either; they all speak the English language, all came on board at the port of Havana; deponent and seven more had been on the vessel on a previous voyage to Galveston, Texas; they remained on board and re-shipped for the present voyage; the others of the crew joined the vessel at Havana in the present month of June; they were shipped by the public shipping master at Havana; the terms of the shipping agreement was for a voyage from Havana to Liverpool; deponent's wages were at the rate of forty dollars per month; the seamen at seventeen and a half dollars per month; neither deponent nor any of the ship's company, to his knowledge, were in any event to receive a larger compensation than that mentioned in the shipping agreement; the agreement was absolute.

9th. To the ninth interrogatory deponent answers, he belonged to the company of the vessel, and was their officer; neither himself nor the other officers, or mariners, or company, had any part, share, or interest in the vessel, or goods laden on her.

10th. To the tenth interrogatory deponent answers, he has known the vessel for about six months; first saw her in Liverpool, in December, 1864; he shipped in her at Liverpool in December, 1864, and proceeded in her to Havana, and had been in her all the time, engaged in running the blockade at Galveston; she carries no guns mounted; has carried guns and ammunition as cargo to Galveston in April last; the vessel is British build; her name is the Wren; has always been called by that name.

11th. To the eleventh interrogatory deponent answers, she draws about seven feet eight inches with a full cargo on board; she drew about six feet six inches when captured; knows no reason for her not being deeper loaded.

12th. To the twelfth interrogatory deponent answers, that he does not know what papers the vessel carried; the vessel had made three voyages from Havana to Galveston, in Texas, in the present year, while he was on board of her; her last voyage began at Havana and was to have ended at Liverpool; she had carried clothing, rope, wire, arms, and ammunition into Galveston, and brought out cotton to Havana.

13th. To the thirteenth interrogatory deponent answers, that she had no cargo on her present voyage—nothing but coals; on the voyage preceding the present one she carried arms and ammunition to Galveston and brought back cotton.

14th. To the fourteenth interrogatory deponent answers, he does not know, of his own knowledge, who are the owners of the vessel, but from what he has heard Captain Moore, her former master, say, with whom deponent sailed in said vessel, he believes that she is owned by the Confederate Government.

15th. To the fifteenth interrogatory deponent answers, he does not know anything in relation to a bill of sale for the vessel.

16th. To the sixteenth interrogatory deponent answers, that there was no cargo on board the vessel.

17th. To the seventeenth interrogatory deponent answers, that there was no cargo.

18th. To the eighteenth interrogatory deponent answers, no.

19th. To the nineteenth interrogatory deponent answers, that he does not know the degrees of latitude or longitude in which the vessel was when captured; it was in the Gulf of Florida, on the thirteenth of June, 1865, the morning after her departure from Havana; he knows nothing of any charter party.

20th. To the twentieth interrogatory deponent answers, that he does not know what papers were on board when the vessel took her departure from her last clearing port, before she was taken; has heard the steward of the vessel say that the purser destroyed some papers after the time of seizure.

21st. To the twenty-first interrogatory deponent answers, he had personal knowledge of the fact that the port of Galveston was under blockade, having run the blockade of that port in the same vessel—the Wren—on former occasions.

22d. To the twenty-second interrogatory deponent answers, she sailed on the present voyage from Havana and was bound to Liverpool by the way of Halifax; neither of those ports were under an order of blockade by the Government of the United States.

23d. To the twenty-third interrogatory deponent answers, no.

24th. To the twenty-fourth interrogatory deponent answers, that he has sailed in the vessel, the Wren, about six months; during that time the vessel has made three successful trips into and out of port of Galveston while that port was blockaded.

25th. To the twenty-fifth interrogatory deponent answers, no.

26th. To the twenty-sixth interrogatory deponent answers, he has not sustained any loss.

27th. To the twenty-seventh interrogatory deponent answers, he does not know.

28th. To the twenty-eighth interrogatory deponent answers, the vessel had no cargo.

29th. To the twenty-ninth interrogatory deponent answers, there was no cargo.

30th. To the thirtieth interrogatory deponent answers, there was no cargo.

31st. To the thirty-first interrogatory deponent answers, he does not know.

32d. To the thirty-second interrogatory deponent answers, he does not know.

33d. To the thirty-third interrogatory deponent answers, that

there were three passengers on board, none secreted; Mr. and Mrs. Swymmer and Mr. Mills were the passengers; does not know of what nation, rank, or occupation; they were taken on board at Havana.

34th. To the thirty-fourth interrogatory deponent answers, he does not know what papers were on board, or their character.

35th. To the thirty-fifth interrogatory deponent answers, there was no capturing vessel; the capture was made by a portion of the crew of the vessel.

37th. To the thirty-seventh interrogatory deponent answers, he knows nothing concerning a sale of the vessel.

38th. To the thirty-eighth interrogatory deponent answers, no guns were mounted, no arms or ammunition belonging to her, nor any of the other articles enumerated in this interrogatory.

39th. To the thirty-ninth interrogatory deponent answers, that he has heard a former master of the vessel, Captain Moore, with whom he sailed in said vessel, say that she was a Confederate States Government vessel, and he believes such to be the fact.

40th. To the fortieth interrogatory deponent answers, no.

41st. To the forty-first interrogatory deponent answers, in March, April, and May of the present year, the vessel has made three voyages to and from Galveston, then under blockade by the forces of the United States; saw the blockading vessels before the port.

42d. To the forty-second interrogatory deponent answers, no.

43d. To the forty-third interrogatory deponent answers, no.

(Signed) JOHN DUGGAN.

Form No. 9 A, steamer.—Certificate of British Registry.

(British coat of arms.)

Official number of ship, 51,056; port number, 533; date of registry, 24th December, 1864.

Name of ship, Wren. British or foreign built, British; built at Birkenhead, in the county of Chester, in 1864; port of registry, Liverpool; how propelled, by paddles; number of decks, one; number of masts, two; rigged, schooner; stern, elliptical; build, clencher; galleries, none; head, none; framework, steel.

Measurements:	Feet.	Tenths.
Length from the forepart of stem, under the bowsprit, to the aft side of the head of the stern post	211	1
Mean breadth to outside plank	23	2
Depth in hold from tonnage deck to ceiling at midships	10	4

Name and address of builder, Messrs. Laird Bro's, Birkenhead.

Tonnage:	
Tonnage under tonnage deck	378.73
Closed-in spaces above the tonnage deck, if any, viz.:	
Space or spaces between decks	
Poop	
Round-house	10.32

Other enclosed spaces, if any, naming them. Round house for crew and galley, m'g 8 81-100 tons, not charged.....	
Gross tonnage.....	389.05
Reduction for space required for propelling power..	21.90
Register tonnage.....	267.15

Length of engine-room, 52 feet 6 tenths. Number of engines, two, Combined power (estimated horse power), number of horses power. one hundred and twenty. Name and address of engine maker, Messrs. Laird Bro's, Birkenhead.

I, the undersigned registrar of the port of Liverpool, hereby certify that the ship the description of which is prefixed to this my certificate, has been duly surveyed, and that the above description is true, that William Raisbeck, whose certificate of competency is No. 13,028 is the master of the said ship, and that the name, residence, and description of the owner, and number of sixty-fourth shares held by him, are as follows:

Name, residence, and occupation of the owner: John Laird, the younger, of Birkenhead, in the county of Chester, ship builder. No. of sixty-fourth shares, sixty-four (64).

Dated at Liverpool, the 24th day of December, one thousand eight hundred and sixty-four.

(Sig'd) S. RICE EDWARDS,
Registrar.

"Note.—A certificate of the registry granted under the 'merchant shipping act, 1854,' is not a document of title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgage affecting the ship."

(ENDORSEMENT.)

BRITISH CONSULATE GENERAL, Havana, March 24, 1864.

A. J. Moore has now become master.

(Sig'd) ROBERT BRANCH, [SEAL.]
Consul General.

HAVANA, June 10th, 1865.

E. C. Stiles has now become master.

(Sig'd) ROBERT BRANCH, [SEAL.]
Consul General.

Agreement for foreign-going ships, sanctioned by the Board of Trade in pursuance of 13 *and* 14 *Vic., c.* 93, *s.* 46.

Name of ship, Wren. Port of registry, Liverpool. Name of master, Edward C. Stiles. Date and place of first signature of agree't, Havana, 8th June, 1865.

The several persons whose names are hereunto subscribed hereby agree to serve on board the said ship in the several capacities expressed against their respective names, on a voyage from Havana to Liverpool, and the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship and the stores and cargo thereof, when on board, in boats, or on shore; in consideration of which services, to be duly performed, the said master hereby agrees to pay the said crew as wages the sums against their names respectively expressed, and to provide them with provisions according to the annexed scale; and is hereby agreed that any embezzlement, or wilful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he is incompetent to perform, his wages shall be reduced in proportion to this incompetency; and it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case shall require.

In witness whereof, the said parties have subscribed their names thereto on the days against their respective signatures mentioned.

Signed by Edward C. Stiles, master, on the 8th day of June, 1865.

Signature of Crew.	Age.	Town or County where born.	Ship in which he last served, and the port she belonged to.	Place and Time of entry.	Capacity.	Time at which he is to be on board.	Am't of wages per month.	Am't of wages advanced on entry.	Signature, &c., of witness.
T. R. McGahan	38	England	S	Hav'a, 10th June	Purser	At once			Ch's Garcia.
C. B. Coor	25	do	Steamer Foam	do	Purser's c'k	do			do
Jas. C. Long	20	do	do	Hav'a, 8 June	Mate	do	$100 00	$100 00	do
L. M. Jones	23	do	do	do	2d Mate	do	60 00	60 00	do
John Duggan	26	do	Steamer Wren	do	3d Mate	do	40 00	40 00	do
W. x Ring	22	do	Steamer Evelyn	do	Carpenter	do	35 00	35 00	do
Owen Farly	19	Ireland	Steamer Wren	do	Steward	do	50 00	50 00	do
M. Timmins	16	England	do	do	2d	do	20 00	20 00	do
Geo. x Wood	36	do	Sch'r Gipsey	Hav'a, 10 June	Cook	do	50 00	50 00	do
Samuel x Marshall	21	do	Steamer Lizzie	do	2d	do	30 00	30 00	do
A. x McKay	35	Scotland	Steamer Owl	Hav'a, 8 June	Seaman	do	17 50	17 50	do
James x Barrey	31	Ireland	do	do	do	do	17 50	17 50	do
Geo. x Brown	25	Germany	Sch'r Jupiter	do	do	do	17 50	17 50	do
George x Harvey	20	N. Scotia	Steamer Wren	do	do	do	17 50	17 50	do
Peter x Coyle	23	Liverpool	Steamer Denbigh	Hav'a, 10 June	do	do	17 50	17 50	do
Luis x Vernell	40	England	Steamer Foam	do	do	do	17 50	17 50	do
C. W. Gilley	27	do	Steamer Gem	do	do	do	17 50	17 50	do
R. McComber	23	U. States	Steamer Badger	Hav'a, 8 June	Ch'f Eng'r	do	250 00	250 00	do
Edward J. Williams	42	Texas	Steamer Wren	do	2d	do	140 00	140 00	do
Geo. Wilson	32	Ireland	Steamer Badger		3d	do	100 00	100 00	do
Jno. x Shepherd	22	U. States	Steamer Wren	Hav'a, 9 June	Greaser	do	25 00	25 00	do
J. x Gratten	27	England	Steamer Luna	Hav'a, 10 June	Fireman	do	23 75	23 75	do
John Welsh	25	N. Scotia	Steamer Owl	Hav'a, 8 June	do	do	23 75	23 75	do
Peter Murray	25	Ireland	Steamer Evelyn	do	do	do	23 75	23 75	do
Edward Farley	23	do	Steamer Wren	do	do	do	23 75	23 75	do
Thomas More	26	do	Steamer Fox	do	do	do	23 75	23 75	do
James McCarty	24	Liverpool	Sch'r Rob Roy	Hav'a, 9 June	do	do	23 75	23 75	do
Martin x Coffee	45	Ireland	Steamer Denbigh	do	do	do	23 75	23 75	do
A. x Agnew	25	do	Steamer Owl	do	do	do	23 75	23 75	do
John x Brown	27	do	Steamer Gipsey	do	do	do	23 75	23 75	do
P. Hamilton	42	do	Steamer Wren	Hav'a, 9 June	Q'rmaster	do	20 00	20 00	do
W. Mariadd	26	England	do	do	do	do	20 00	20 00	do
John McDonald	27	do	Steamer Luna	do	Fireman	do	23 75	23 75	do
Geo. x Garner	18	do	Steamer Maria	do	Boy	do	15 00	15 00	do
Wm. x Ames	14	do	Steamer Wren	do	do	do	15 00	15 00	do

BRITISH CONSULATE GENERAL,
Havana, June 10th, 1865.

The thirty-nine men whose names are attached to this agreement, were shipped according to Spanish law by a shipping master appointed by the Spanish Government. I am satisfied that they understood this agreement, but I have not seen the said men, as the system of shipping crews in this port does not admit of their appearing before me. I declare that it would be in violation of Spanish law, for which the vessel would incur a fine of one hundred dollars per man, if they were shipped in this office as required by British laws; and, further, this practice has prevailed for many years without any agreement being declared invalid on this account.

By order of H. B. M. Consul General.

(Sig'd) H. ABAT, *Sec'y.* [SEAL.]

Duplicate:

NAVY DEPARTMENT, Decemb'r, 30th, 1839.

SIR: You will proceed to New York with as little delay as possible, and report to Comm'r Renshaw for duty on board the U. S. schooner Grampus.

The regulations of the department require that all orders be promptly acknowledged.

I am, respectf'y, yours,

(Sig'd) J. K. PAULDING.

Act'g Mid'n EDW'D C. STILES,
U. S. Navy, Carlisle, Penn'a.

January 29th, 1840.—Report to the lieut. com'd't for duty in obedience to the above order.

(Sig'd) J. RENSHAW, *Com'd't.*

NAVY DEPARTMENT, July 30th, 1840.

SIR: You are hereby detached from the U. S. sch'r Grampus, with a leave of absence for two months from this date, at the expiration of which you will report to this department.

I am, respectf'y, yours,

(Sig'd) J. K. PAULDING.

Act'g Mid'n EDW'D C. STILES,
U. S. Sch'r Grampus, Boston.

NAVY DEPARTMENT, Oct'r 13th, 1840.

SIR: Herewith you will receive a warrant appointing you a midshipman in the navy of the United States, from the 13th day of Decemb'r, 1839, the receipt of which you will acknowledge to this department.

I am, respectfully, yours.

(Sig'd) J. K. PAULDING.

Mid'n EDW'D C. STILES,

U. S. Navy, Carlise, Penn'a.

Martin Van Buren, President of the United States of America, to all who shall see these presents, Greeting:

Know ye, that reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of Edward C. Stiles, I do appoint him a midshipman in the navy of the United States, from the 13th December, 1839. He is therefore carefully and diligently to discharge all the duties of a midshipman. And I do strictly charge and require all officers, seamen, and others under his command to be obedient to his orders.

And he is to obey the orders and directions which he shall receive from the President of the United States, or his superior officer, according to the rules and discipline of the navy. This warrant to continue in force during the pleasure of the President of the United States.

Given under my hand, at the city of Washington, this eighth day of September, in the year of our Lord one thousand eight hundred and forty, and in the sixty-fifth year of the independence of the United States.

(Sig'd) M. VAN BUREN.

By the President:

(Sig'd) J. K. PAULDING,
Secretary of the Navy.

Registered.

(Sig'd) L. B. HARDIN.

NAVY DEPARTMENT, 14 December, 1840.

SIR: Your letter of the 12th inst. has been rec'd agreeably to your request. You will proceed to Norfolk and report to Commodore Shubrick for duty on board the receiving ship at that station.

I am, respectfully yours,

(Sig'd) J. K. PAULDING.

Mid'n EDW'D C. STILES,

270 Walnut St., Philad'a.

Report to Capt. Skinner.
(Sig'd) W. BRANFORD SHUBRICK.
26 December, 1840.

Reported Dec. 27th.
(Sig'd) CHA. W. SKINNER.

NAVY DEPARTMENT, March 27th, 1841.

SIR: You will report to Com. Shubrick for duty on board the U. S. ship Delaware.

I am respectfully yours,

(Sig'd) J. D. SIMMS,
Act'g Sec'y of the Navy.

Mid'n EDW'D C. STILES,
U. S. Navy, Norfolk, Va.

Report to Captain Macauley.
(Sig'd) W. BRANFORD SHUBRICK.
5th April, 1841.

Delivered April 5th.
(Sig'd) CH. W. SKINNER.

NAVY DEPARTMENT, Aug't 3d, 1842.

SIR: You are hereby detached from the frigate Potomac, and leave of absence is granted to you for three months from this date, at the expiration of which you will report to this department.

You will inform the department of every change of your residence in the mean time.

I am resp'f'y yours,

(Sig'd) A. P. UPSHUR.

Mid'n EDW'D C. STILES,
U. S. Navy, Boston.

Delivered 9th August, 1842.
(Sig'd) JNO. B. NICOLSON, *Com'd't.*

NAVY DEPARTMENT, December 3d, 1842.

SIR: You will proceed to Boston by the 15th inst., and report to Commo. Nicolson for duty on board the U. S. brig Bainbridge.

I am respectfully yours,

(Sig'd) A. P. UPSHUR.

Mid'n EDW'D C. STILES, U. S. Navy.
Care of Benj. Stiles, 270 Walnut Street, Philadelphia.

Reported Dec. 15th, 1842.
(Sig'd) JNO. B. NICOLSON, *Com'd't.*

NAVY DEPARTMENT, June 4th, 1844.

SIR: Agreeably to your request of the 25th ultimo, you are hereby detached from the brig Bainbridge, with a leave of absence for one month from this date, at the expiration of which you will report to this department.

I am respectfully yours,

(Sig'd) J. Y. MASON.

Mid'n EDW'D C. STILES,
U. S. Navy, New York.

NAVY DEPARTMENT, July 15th, 1845.

SIR: Herewith you will receive a warrant as a passed midshipman in the navy of the United States, dated the 15th day of July, 1845, assigning you rank as such from the 2d day of July, 1845, and numbered thirteen, the receipt of which you will acknowledge to this department.

I am respectfully your obd't serv't,

(Sig'd) G. BANCROFT.

Passed Midshipman EDWARD C. STILES,
U. S. Ship Princeton, Philadelphia.

U. S. SHIP CUMBERLAND,
off Vera Cruz, August 14th, 1846.

SIR: Your letter of the 12th inst. has been received. It would afford me much pleasure to comply with your request, did I believe it could be done without some inconvenience to the public service.

I am, very resp'y, &c.,

(Sig'd) D. CONNER,
Com'd'g Home Squadron.

Passed Mid'n EDWARD C. STILES,
U. S. Steamer Princeton.

NAVY DEPARTMENT, March 25th, 1846.

SIR: Your letter of the 17th inst. was duly received.

You will return to Boston by the 5th of April next, and report to Comm'r Parker, for the purpose of resuming your duties on board the steamship Princeton.

As your leave of absence from that ship was given agreeably to your desire, you cannot be allowed traveling expenses under this order.

Your request to be ordered as acting master of the Princeton cannot be complied with, as a passed midshipman of older date than yourself has been ordered in that capacity.

I am, respectfully yours,

(Sig'd) G. BANCROFT.

Pass'd Mid'n EDW'D C. STILES,
U. S. Navy, New York.

Reported April 6th, 1846.

(Sig'd) F. A. PARKER, *Com'd't.*

The President of the United States of America, to all who shall see these presents, Greeting:

Know ye, that reposing special trust and confidence in the abilities and integrity of Edward C. Stiles, of Pennsylvania, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Consul of the United States of America, at Vienna, and such other parts as shall be nearer thereto than to the residence of any other Consul or vice-Consul of the United States within the same allegiance, and do authorize and empower him to have and to hold the said office, and to exercise and enjoy all the rights, pre-eminences, privileges, and authorities to the same of right appertaining, during the pleasure of the President of the United States for the time being, he demanding and receiving no fees or perquisites of office whatever, which shall not be expressly established by some law of the United States. And I do hereby enjoin all captains, masters, and commanders of ships and other vessels, armed or unarmed, sailing under the flag of the said States, as well as all other of their citizens, to acknowledge and consider him, the said Edward C. Stiles, accordingly, and I do hereby pray and request his majesty, the Emperor of Austria, his governors and officers, to permit the said Edward C. Stiles fully and peaceably to enjoy and exercise the said office, without giving, or suffering to be given, unto him any molestation or trouble, but, on the contrary, to afford him all proper countenance and assistance, I offering to do the same for all those who shall in like manner be recommended to me by his said majesty.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the twenty-first day of July, in the year of our Lord 1856, and of the independence of the United States of America the 81st.

(Sig'd) FRANKLIN PIERCE.

By the President:

(Sig'd) W. L. MARCEY,
Secretary of State.

Exequatur dated Wein, 22d October, 1856.

WHEATLAND, near LANCASTER, 4 August, 1856.

MY DEAR SIR: It affords me pleasure to comply with the request contained in your favor of the 1st instant, that I would mention the position and standing of your family.

I was on terms of intimate friendship with your father, the late Edward J. Stiles, and I can say with truth I have never known a more honest or honorable man. As a gentleman and a Christian he was exemplary, and his position in society was always with the wise and good.

I also well knew your grandfather, Thomas Duncan, who was one of the greatest lawyers which this State has ever produced, and died an eminent Judge of our Supreme Court.

It affords me much satisfaction to be able to comply with your father's request, and in 1839 to procure for you a midshipman's warrant.

Having had but little personal acquaintance with yourself, I can only say if you are worthy of the family from which you have sprung, you deserve a high position in society. From all I have learned you are worthy of the Consulate to which you have been appointed.

From your friend, very respectfully,

(Sig'd) JAMES BUCHANAN.

EDWARD C. STILES, Esq.

Power of Attorney.

CONSULATE OF THE U. S. OF AMERICA AT VIENNA.

Know all men by these presents, that I, Edward C. Stiles, of the city and county of Philadelphia, State of Pennsylvania, United States of America, and at present Consul of the U. S. of America at Vienna, in the empire of Austria, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, Henry M. Naglee, of the city and county of San Francisco, State of California, United States of America, my true and lawful attorney, for me, and in my name, place and stead, to transact all business that may arise or has arisen in connection *in connection* with my interests in the city and county of San Francisco, State of California, United States of America, giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever necessary and requisite to be done in and about the premises, as fully to all intents and purposes, as I might or could as if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney, or his substitute, shall lawfully do or cause to be done by virtue thereof, and I do hereby cancel and annul all or any power of attorney that I may have previously given in the city and county of San Francisco, State of California.

In witness whereof, I have hereunto set my hand and seal this day of July, one thousand eight hundred and sixty.

EDW'D C. STILES. [L. S.]

Sealed and delivered in presence of—

A. G. LAURENCE.

Legation of the U. S. of America at Vienna, in the Empire of Austria.

Be it known, that on the 16th day of July, one thousand eight hundred and sixty, before me personally appeared Edward C. Stiles, the above named, who is to me known to be the person described in and who executed the above letter of attorney, and acknowledged the execution thereof to be his free act and deed.

In testimony whereof, I have hereunto subscribed my name the day and year last above written, and affixed the official seal of this legation.

[SEAL.] J. GLANCY JONES,
Minister Plen. and En. Ex.

Be it known that on the 16th day of July, one thousand eight hundred and sixty, before me personally appeared Edward C. Stiles, the above named, who is to me known to be the person described in, and who executed the above letter of attorney, and acknowledged the execution thereof to be his free act and deed.

In testimony whereof, I have hereunto subscribed my name the day and year last above written, and affixed the official seal of this legation.

(Sig'd) J. GLANCY JONES. [SEAL.]
Minister Plen. and En. Ex.

Legation of the United States of America at Vienna, in the Austrian Empire.

Passport No. 76—Gratis.

To all whom these presents shall come, Greeting:

The undersigned, Envoy Extraordinary & Minister Plenipotentiary of the United States of America at the Court of his Imperial and Royal Apostolic Majesty, hereby requests all whom it may concern to permit safely and freely to pass, and, in case of need, to give all lawful aid and protection to Mr. Edward C. Stiles, a citizen of the United States, as would in like cases be extended to citizens or subjects of other countries resorting to the United States.

Given under my hand and the seal of the legation at Vienna, in the Austrian Empire, the 25th day of September, in the year 1861, and of the Independenee of the United States of America the 86th.

(Sig'd) J. GLANCY JONES. [SEAL.]

Description: Age 37 years; statue, 5 ft. 5½ in., English; forehead, high; eyes, blue; nose, short; mouth, small; chin, round; hair, dark brown; complexion, florid; face, round; signature of the bearer.

(Sig'd) EDW'D C. STILES.

Endorsed: Seen in the Consulate of the U. S. of America at Vienna, in the empire of Austria.

Weien, April 18th, 1862.

(Sig'd) P. CANISIUS, *U. S. Consul.*

LONDON, 10th Nov'r, 1862.

Capt. Styles, C. S. N.:

MY DEAR SIR: I send herewith a tracing of a very efficient iron-clad, sea going screw steamer, and if you can induce your gov't to give me an order for having one built, I shall be glad to get it. I shall be ready to finance for them in the way I explained to you, and I shall take care that everything is done in an efficient and honorable manner.

Wishing you a good voyage and every success, I remain very truly yours,

(Signed) ALEX'R COLLIE.

Price of Citadel gunboat, fitted with 2 screws; speed, 14 knots per hour; armor, two 150 pounders, four 70 pounders, rifled; complete, £80,000, eighty thousand pounds sterling. The vessel will be 1,100 tons measurement; 250 horse power; with armor-plated citadel as shown; draft of water, 12 feet; time required to build, 10 to 12 months; a perfect sea-going ship in every way.

(Signed) ALEX'R COLLIE, 23 Sussex Square.

71 JERMYN STREET, LONDON, S. W.,
November, 14th, 1862.

E. C. Stiles, Esq'r, S. S. Justicia, Plymouth:

DEAR SIR: By book post I send to Collier Bros., directed to Burroughs, a copy of the cargo book showing where everything is stowed and particularizing those belonging to you, as well as the British government and the owners of the ship. You will find the medicines all marked in red and the name written against each lot in the above named book.

Inclosed we send you packing account of the medicines, and when you transhipp them please be most careful that you take with you complete sets as per list, this being made up complete for one hospital. You have on board 15 sets, complete; these you must always have with you, the cases in equal proportions as they are set out in our enclosure.

We have not succeeded to-day in obtaining the book; herewith you have another note, received from Collie; be assured we have done all in our power to obtain it; try to get one from Bourne at Bermuda.

Your note has just reached us from the ship; the money shall be paid as you wish at Vienna, and we will gladly attend to anything for you in England during your absence.

Wishing you a speedy and prosperous voyage, and waiting anxiously for letters from you whenever you can write one, we are, dear sir, faithfully yours,

(Signed) S. ISAAC CAMPBELL & CO.

We send a few other enclosures from Major Huse, which please have safely delivered.

WEDNESDAY MORNING.

DEAR STILES: Everything being now ready for a start, I wish you good luck. I shall send by post to Bermuda letters which I hope you will be the bearer of to Richmond. I am very busy getting up samples for the next shipment, otherwise I should have had one set ready for you; however, I suppose they will not be much behind you.

I hope you and Halpin will have no difficulty; he appears to be a reasonable man, and I have no doubt that at sea everything will go on smoothly. If in any way I can serve you while I remain in Europe, please make use of me.

Wishing you a pleasant and speedy passage, very truly yours,

(Signed) CALEB HUSE.

Steamship Cornubia.—Copy of a letter from Capt'n Burroughs to Capt'n Stiles, offering to transfer the ship to him as agreed upon in London.

ST. GEORGE'S, BERMUDA, December 8th, 1862.

Capt'n Stiles, C. S. Agent.

DEAR SIR: The steamer Cornubia having been on her trial trip, has, I hope, given you every satisfaction. I beg to inform you that she is now coaled, stored, and ready to take in cargo, and that I have engaged a crew to proceed in her, agreeing with them that in the event of capture or loss of steamer they are to be sent to England at the expense of the Confederate Government, and their wages paid up to the time of arrival in Great Britain. At foot I beg to hand you rate of wages and bonus. In the event of your accepting the ship, I shall be obliged by your giving me a written reply and receipt in triplicate as agreed in England.

I am, dear sir, yours respectfully,

(Signed) JOHN BURROUGHS.

Wages and Bonus.

1st officer, £12 per month; £100 per trip. 2d officer, £9 per month; £50 per trip. 3d officer, £6 per month; £25 per trip. Boatswain, £5 per month; £20 per trip. Carpenter, £5 per month; £20 per trip. 1st steward, £8 per month; £30 per trip. 2d steward, £10 per trip. Cook, £5 10s. per month; £15 per trip. Eight seamen, £3 10s. per month; £10 per trip, each man. 1st engineer, £18 per month; £100 per trip. 2d engineer, £14 per month; £50 per trip. 3d engineer, £10 per month; £30 per trip. Six firemen, £4 5s. per month; £15 per trip per man. Six trimmers, £4 per month; £15 per month per trip. Engineer's servant, £2 per month; £10 per trip.

Advance.

Officers, one-third of bonus; seamen, one-half of bonus; firemen two-thirds of bonus; trimmers, two-thirds of bonus.

Having selected the vessel, please communicate with me, that I may make arrangements for paying for her.

As regards price, at present I cannot see how more than £30,000 can be appropriated for this purpose; still I want to have the best ship that can be procured sent to the C. S., and if you find it necessary to go beyond this limit, I will probably be able to find some plan by which the ship can be purchased.

You are fully aware of the importance of despatch in this affair, and I beg that you will lose no time in its accomplishment.

I am, captain, your obedient servant,

(Signed) CALEB HUSE,
Major C. S. Artillery.

Captain Stiles, C. S. Artillery, now in Paris.

DEAR BULLOCH: Please give Stiles all the assistance you can.

C. H.

38 CLARENDON ROAD, LONDON, 2 March, 1863.

CAPTAIN: Having read your instructions from Colonel Gorgas in reference to the purchase of a steamer for the C. S. government, I have the honor to inform you that, having entire confidence in your judgment, I desire you to take the whole matter of selecting a proper vessel into your own hands.

Your experience as a seaman and knowledge of the requirements of the government from personal conference with Col. Gorgas, as well as from an examination on the spot of the work to be done, render it quite unnecessary for me to encumber you with suggestions even.

Having selected the steamer you desire to have purchased, please inform me what amount of money will be required to pay for her, that I may make the necessary arrangements.

While I desire to avoid all interference with your movements, if in any way my personal attention can be of any assistance to you, I beg that you will at once inform me.

It is of the highest importance, as you are aware, that the steamer should arrive at Bermuda at as early a day as possible. Such a steamer ought, therefore, if possible, be secured as will be able to sail at once.

You will please engage the necessary officers and men for the services intended, and make with them the best terms possible for the interest of the C. S. gov't.

I have the honor to be your obed't serv't,

(Signed) CALEB HUSE,
Major C. S Artillery.

Captain E. C. Stiles, C. S. Artillery, now in London.

LIVERPOOL, 2d March, 1863.

MY DEAR STILES: It was my intention to have simply sent you the enclosed specifications of A1 paddle steamers, taken from the list of Messrs. Cunard, Wilson & Co., but as time is pressing I have thought it best to ask Mr. Wilson himself to hand them to you, as he will be thus on hand to go with you to inspect and make the purchase for you without delay. Mr. Wilson is not only fully up to his business as a ship broker and valuer, but is all right in his sympathies, and you can deal with him in perfect confidence.

In haste, yours truly,

(Signed) JAMES D. BULLOCH.

DEAR SIR: Will you be kind enough to say to Major Huse that I have been detained so long in getting the purchase of the Eugenie completed, and the difficulty of moving along the streets is so great that I have been unable to see the parties who I expect will buy the H. Pinkney. As Saturday will be a holiday, I find I must see them to-morrow, and will thus be unable to accompany him to Folkestone to-morrow, as promised, but will be obliged if he will call for me here in the morning in passing, as I would like to see him on other business. Yours, very truly,

(Signed) J. A. K. WILSON,
British Hotel, 5 Mar.

CAPT'N STILES: If you have no further use for the particulars of the steamers I gave you I shall be glad if you will let me have them.

BRUSSELS, April 3d, 1863.

DEAR CAPT. STILES: Mr. promptly conveyed to me your obliging message.

The letter which I enclose to the President is of a very confidential character. It would be most hurtful to yourself if it should fall into the hands of the enemy. Therefore, I pray you, do not incur so much as the shadow of a risk with it—see that Gen. gets the one which I herewith transmit for him.

I wish you every success in life; an abundance of honorable and profitable employment. May you have a swift and agreeable passage over the waters, and find upon reaching your destination that our arms have continued to be eminently victorious everywhere.

Yours, very truly,

(Signed) A. DUDLEY MA.

Capt. Stiles, &c., &c., &c.:

In a single line, please to acknowledge upon its arrival the receipt of this.

A. D. M.

PORT ST. GEORGE, BERMUDA,
December 10th, 1862.

Returned from Thomas Sterling Begbie, esq'r, of London, by the hands of Captain John Burroughs, the British steamship "Cornubia," complete in masts, spars, rigging, machinery, boilers, boats, and all stores appertaining to the said Cornubia, as per agreement in London.

(Signed) EDW'D C. STILES.

WAR DEPARTMENT,
Ordnance Bureau, Richmond, December 24th, '62.

CAPTAIN: Having been appointed by the Secretary of War to carry out certain instructions from this bureau, dated December 24, 1862, you are hereby assigned the pay and allowance of a captain of artillery on ordnance duty, while on duty with this bureau in executing the functions assigned to you in said letter.

Respectfully,

(Signed) J. GORGAS,
Col. Ch'f of Ord.

Capt. E. C. Stiles, on ordnance duty:

You will be paid at the same rate from the first of November or from date of taking charge of steamer Justitia.

(Sig'd) J. GORGAS,
Col. Chief of Ordnance.

WAR DEPARTMENT,
Ordnance Bureau, Richmond, Dec. 24th, '62.

CAPTAIN: You will proceed to Wilmington, N. C., and make such arrangements as are necessary to take back the steamer Cornubia to Bermuda, with the cargo of cotton, to be furnished by the Treasury Dep't for her return trip.

You are hereby authorized to make all necessary contracts as to crew and finding of the vessel, communicating with the quartermaster at Wilmington, for such assistance as he can give.

On reaching Bermuda you will turn over the vessel and cargo to U. S. Walker, Esq'r., or in his absence to John T. Bourne, Esq.

Afterwards you will proceed to Liverpool and London, and communicate with Major Caleb Huse, relative to the purchase of a vessel such as you and he may think suitable for the purpose of carrying freight from Bermuda and Nassau to the ports of the Confederate States.

In reference to the permanent employment of pilots at Wilmington, you are authorized to make such arrangements as you consider most economical and conducive to the interests of the public service.

(Signed) J. GORGAS,
Col. Chief of Ordnance.

Approved.

(Signed) JAMES A. SEDDON,
Sec. of War.

Capt. E. C. Stiles.

STEAMER CORNUBIA,
Wilmington, 4 January, 1862.

Capt. E. Styles, agent for Confederate Government, Steamer Cornubia:

DEAR SIR: In reply to yours of this date, I beg to offer my services to your government to command the Cornubia for a period of six months, on the same terms as mentioned in London, viz.: £500 sterling per annum, and £500 per trip in and out, and am quite willihg to sign agreement to that effect, expecting every facility at each end for loading and discharging.

I am, dear sir, respectfully yours,

(Signed) JOHN BURROUGHS.

HEADQUARTERS WILMINGTON,
Office of Chief Quartermaster, Jan. 10, 1863.

Colonel Wm. Lamb, Com'd Fort Fisher:

COLONEL: Will you be kind enough to get Captain Stiles, of the steamer Cornubia, to sign the certificate on the enclosed bills. The steamer left so hurriedly, and the parties were so tardy in bringing in their bills, it has given us much trouble.

Your attention to this will much oblige yours, very truly.

(Signed) JOHN W. CARMEN,
Maj. and Ch'f Q. M.

PARIS, Feb. 15th, 1863.

DEAR CAPTAIN STILES: I congratulate you on your speedy return. Of course I want much to see you, but I do not think I can leave Paris before Tuesday or Wednesday, and I may be detained all the week. Please, therefore, let me hear from you, and send by post any despatches you may have for me to "Hotel du Helder, Rue du Helder, Paris." Your truly,

(Signed) CALEB HUSE.

PARIS, 26 February, 1863.

CAPTAIN: I have the honor to desire you to proceed to Liverpool England, and there confer with Commander J. D. Bulloch, C. S. N., in reference to the purchase of a steamer for the C. S. War Dep't, suitable for the service between Bermuda and the C. S. coast.

I hope that Commander Bulloch will be able to accompany you in the selection of the steamer. I am sure he will afford you every assistance in his power.

Should Commander Bulloch not be able to accompany you after conferring with him, please proceed to inspect the steamers he may indicate to you, and from them select the one in your opinion best fitted for the intended service, if she is for sale.

ST. GEORGE'S, BERMUDA, December 9th, 1862.

Capt'n John Burroughs, steamer "Cornubia:"

SIR: In reply to yours of yesterday informing me that the steamer "Cornubia" is coaled, stored, and ready to take in cargo, and that you have procured a crew to proceed in her, agreeing with them that, in the case of capture or loss of steamer, they are to be sent to England at the expense of the Confederate Government, and their wages paid up to the time of arrival in Great Britain, I have to state, that so soon as you can hand me inventory of stores, furniture, fixtures, &c., &c., now on board of her, together with the list of the articles sent out of her since her arrival in this port, that I am ready to receive the ship in the name of the Confederate States Government, and to give you a triplicate receipt, as agreed upon before leaving England. I also agree to your terms as to wages and bonus for officers and men, as well as your proposition of sending the crew to England and the payment of their wages until such time as they may arrive at the port in Great Britain. In conclusion, allow me to return to you, sir, and through you to your officers and crew, my appreciation of your kindness and attention and respect I have received from all since the day I joined the good steamer "Justitia," Wishing you every success in life, believe me,

Your friend,

EDW'D C. STILES, *Conf. Agent.*

PORT ST. GEORGE'S, BERMUDA,
December 12th, 1862.

John T. Bourne, Esq'r., Present:

DEAR SIR: Enclosed I have to hand you bills lading for cargo of st'r "Justitia" from London, which you will please hold subject to orders of Messrs. Isaac Campbell & Co., of London, or myself. But you will be at liberty to forward any portion of said cargo to the ports of destination, as per manifest, when opportunities occur, expenses of which you will in due time be refunded.

I am, dear sir, yours truly,

EDW'D C. STILES.

PORT ST. GEORGE, BERMUDA,
December 12th, 1862.

Captain Holmes, Master of the st'r "Justitia:"

DEAR SIR: Having placed into the hands of Mr. John Bourne the bills of lading for cargo on board the "Justitia," I have to request that you will hold the same subject to his orders on my departure in the "Cornubia."

I am, dear sir, yours truly,

EDW'D C. STILES.

ST. GEORGE'S, BERMUDA, DEC. 12th, 1862.

Major C. Hews, Confederate States Army, now in London.

MY DEAR SIR: I wrote you on my arrival at this port, which you no doubt have received. Finding this place without blockade, and hearing the fact that the admiral of the station received orders not to allow it, I determined to purchase the "Cornubia," as agreed upon before leaving London. She is a noble craft, and performed on a trial trip as follows:

Measured distance, 4⅛ miles. Time, 15m. 20s.; revolutions, 27; steam, 21; time to complete a circle, 3m. 30s.; weather, strong head wind with a moderate sea.

She will consume at least one ton of coal per hour when driving her, and about 15 tons per day when making from 8 to 10 knots. She will make a magnificent gunboat or express vessel, and the chance of purchasing her should not in my judgment be lost. I have followed your instructions in all things saving a pilot, which I would not procure. I would not dare to assume the responsibility of sailing for Charleston without one, but as Wilmington, N. C., is my port, and as I believe myself competent to take her there, possessing full instructions and particulars as to signals, &c., &c., I am willing to assume the responsibility; I do not doubt that success will crown my efforts. However, should misfortune befall me, rest assured that I act from what I believe to be my duty. The government has a large number of stores here, and although under the charge of Mr. Bourne, I see no chance of opening communication without doing so myself. In my opinion it would be running too great a risk to sail for Nassau or any other foreign port.

I cannot enter more fully into detail at present; I will write to Messrs. Campbell & Co. by this mail, and would take the liberty of suggesting to you the immediate removal of a sort of agent they have here, named Horrold, who is interfering in every one's business. He is utterly incompetent, and will in all probability get our government and his employes into difficulty.

I will write to you again when opportunity offers, but hope to report my arrival in Dixie, and any amount of satisfactory news.

Your friend,

EDW'D C. STILES.

I should have mentioned that before concluding to proceed without a pilot, I held a consultation with Capt.'s Burroughs and Halpin, of the Harriet Pinkney, they agreeing with me that an attempt should be made to open communication. The Harriet Pinkney still remains here with her cargo, excepting what the Wachuta had on board. I see no use of keeping the "Justitia" in the same fix, and have therefore consigned her cargo to Mr. Bourne.

E. C. S.

I also enclose a copy of the receipt given for the ship, and which Captain Burroughs will forward you. Mr. Bourne will inform you or Messrs. Isaac C. & Co. of the amount drawn for by me. I have a Bermuda and Nassau pilot on board in case of trouble.

E. C. S.

71 JERMYN STREET, LONDON, S. W., April 14, 1863.

Captain Halpin:

DEAR SIR: You will be pleased to consider Captain E. C. Styles as the registered owner of the S. S. Eugenie, and receive all commands from him from this date.

You are perfectly aware of the circumstances under which I became the registered owner of the Eugenie, and as it is impossible for me to give the necessary orders, I prefer that Captain Styles should be my legal representative. I am, dear sir, yours truly,

(Signed) SAUL ISAAC.

CONFEDERATE STATES OF AMERICA,
Executive Department, Richmond, Va., May 21, 1863.

Capt. E. C. Styles:

DEAR SIR: In compliance with your request, I, this morning, submitted to the President your note requesting an interview. He is still so unwell as to be confined to his house, but he will be glad to receive your call as soon as he can do so. Suppose you call at the office between 11 and 12 to-morrow, or next day; if he is here and can see you he will. If he is at home, and unable to come down town, you might then call at his house and send your name up to him.

Very respectfully,

(Signed) BURTON M. HARRISON,
Private Secretary.

CONFEDERATE STATES OF AMERICA,
War Department, Ordnance Bureau,
Richmond, May 25th, 1863.

Captain E. C. Styles, on government service, is permitted to go on urgent business immediately to Wilmington, over the Petersburg railroad, and assistance tending to his despatch is requested.

(Signed) JAMES A. SEDDON,
Sec'y of War.

CONFEDERATE STATES OF AMERICA,
Navy Department, Richmond, May 25th, 1863.

SIR: You are hereby informed that the President has appointed you a lieutenant, for the war, in the navy of Confederate States. You are requested to signify your acceptance or non-acceptance of this appointment; and should you accept, you will sign before a magistrate the oath of office herewith, and forward the same, with your letter of acceptance, to this department.

Report to the Secretary of War for duty, who will arrange your pay.

S. B. MALLORY,
Secretary of the Navy.

Lieutenant EDWARD C. STILES, C. S. Navy, Richmond, Va.

Form of Oath.

I, Edward C. Stiles, do solemnly swear or affirm that while I continue in the service I will bear true faith and yield obedience to the Confederate States of America, and that I will serve them honestly and faithfully against their enemies, and that I will observe and obey the orders of the President of the Confederate States, and the orders of the officers appointed over me, according to the rules and regulations of the navy.

EDW. C. STILES.

Sworn and subscribed before me this day of 186 , at

CONFEDERATE STATES OF AMERICA,
War Department, Ordnance Bureau,
Richmond, May 25th, 1863.

CAPTAIN: You will proceed immediately to Wilmington, N. C., and there take general charge of the steamer "Eugenie," now ready to sail for Bermuda: arriving at Bermuda you will confer with Norman Walker, Esq., special agent of the war department, who will be directed to load the steamer Harriet Pinkney with bacon, provisions, &c., and place it in your charge, to be brought out by you to Charleston or Wilmington.

Very respectfully,

(Signed) J. GORGES,
Col. Chief of Ordnance.

Approved: (Signed) JAMES A. SEDDON,
Sec. of War.

Captain E. C. Stiles, Richmond.

STEAMER H. PINKNEY,
St. George's, Bermuda, June 30th, 1863.

Hon. S. Mallory, Sec'y of the Navy, Richmond:

SIR: I have to state that I have reported to the War Depart. that I decline further to serve under their orders owing to a difficulty which has occurred between Maj. Walker and myself. I believe that the arrangement would be to the interest of the Confederate Government.

I have the honor to be, very respectfully,

E. C. STILES,
Lt. Com'd'g.

PARIS, Dec'r, 17th, 1863.

Mess. the Hon'l. John Slidell and Gen'l. McRea:

GENTLEMEN: I beg to submit for your favorable consideration the following proposal:

I have four fast steamers, of which I annex particulars, which are nearly complete, viz.:

1st. Screw, leaves Clyde next week; 2d. Screw, leaves Clyde 14 days thereafter; 1st. Paddle, leaves London 15th, 20th Jan'y, '64; 2d. Paddle, leaves London 15th, 20th Feb., '64.

I wish to obtain an engagement from you, gentlemen, that upon my depositing bonds of the Confederate government £3,000,000 st'g cotton loan, in your hands, I shall receive certificates for similar amounts in quadruplicate, which shall obtain cotton as effectually as the bonds deposited with you; that you undertake that entire cargoes shall be allowed to be brought on the steamer's account, in lieu of two-thirds of a cargo, as at present; to bring out, in fact, an entire cargo on owner's acconnt, without restriction, the amount of carriage of the cotton from its place of deposit to the port of loading being paid by the owners. The steamers to run to Bermuda or Nassau, as your government may desire, to be placed entirely at their disposal for the freight inwards, on such terms and rates as shall be arranged on the other side by the Confederate government agents, the captains not to be compelled to carry more freight than they consider desirable. If no gov't freight or not sufficient is ready when the steamers purpose leaving, the owners to have the power to take merchants' freight for such portion as the government may not require. The foregoing proposal is made to you on behalf of the Albion Trading Company, (limited) of which T. Sterling Begbie, of 4 Mansion House, London, is the manager.

PARIS, Dec. 17th, 1863.

We, the undersigned, agree to enter into a contract to the above effect with the said company so soon as the necessary papers can be drawn up, with the following modification: The inward freight to be at the rate of £8 p'r ton of 2,240 pounds dead weight, or 40 cubic feet measurement for light goods; said freight payable in cotton at Wilmington or Charleston, as the case may be, on the arrival of the vessel or by bills on Liverpool at sight, at the option of the Conf. gov't.

This agreement to be binding on both parties for the space of eight months from the 1st Janu'y, 1864.

JOHN SLIDELL,
C. J. McREA, *Ag't and C.*

Screw steamer built at Glasgow by Barclay, Curle & Co.; hull and machinery; 180 f't length between perpendiculars; 22 f't beam; 12 f't depth of hold; 430 tons, B. m.; capacity of holds, 300 tons; bunkers, 8 days' fuel; will bring out 650 bales of cotton; a pair of geared engines of 100 h. p.; nominal speed, 12 knots, with 25 lbs.

steam at trial, which speed can be maintained on the other side at the extra pressure they work at when required, and for which ample provision is made in large boilers, condensers, &c.

Paddles built by Ash, machinery by Stewart, both of London, 23 f't long by 26 beam by 12·6 depth of hold; capacity of holds about 500 tons; bunkers, 7 days' fuel; will bring out 1,200 bales cotton, a pair of oscillating engines, feathering floats, 300 H. P. nominal; will indicate 1700 H. P.; speed at the trial 16 knots; speed loaded, viz., 10 f't., 14 knots, both specially built and arranged for blockade work and commanded by well tried first-class men.

Paris, 12th Dec'r, '63.

E. C. Stiles, esq're:

My Dear Sir: I have yours of 10th inst. I have no hesitation in saying that the Confederate government will give every possible facility for the shipment of cotton that may be delivered to the holders of bonds in payment—of course to do so it must afford the means of transportation—from the point of delivery to the port of intended shipment. The cost of transportation (a very small matter) would necessarily be paid by the owners of the cotton. I am prepared to give in exchange for bonds presented to me to be cancelled quadruplicate receipts, which will be received by the Confederate government in lieu of the bonds. I have no doubt that steamers carrying freight for the account of our government will be permitted to carry out full cargoes of cotton for owners' account without any reservation in favor of the government.

Very respectfully, your ob't serv't,

(Signed) JOHN SLIDELL.

Pray present my kindest regards to Mr. and Mrs. Buchanan, whom all their Confederate friends in Paris miss so much.

Private and Confidential.

4 Mansion House Place,
London, 14th Dec., 1863.

Capt. E. C. Styles, Bury st., St. James:

My Dear Sir: Enclosed I beg to hand open cheque for £100 in terms of your request here to-day at 1.20. good enough to telegram me to-morrow from Paris whether I should go to-morrow night or Wednesday night to Paris.

The other people I mentioned to you desire me to call to-morrow, probably trying to twist this considerable scheme their own way. Your presence at Paris may make all matters clear, as the way I put it, it is a clear and straightforward transaction important to your govern't, and favorable to them as much as to myself.

Yours truly,

(Signed) THOS. S[illegible]ERLING BEGBIE.

CONFEDERATE STATES OF AMERICA,
War Department, Ordinance Office,
Richmond, September 28th, 1863.

J. M. Seivas, esq're, Wilmington, N. C.:

SIR: The bearer, Capt. E. C. Stiles, late in the employ of this dept., goes abroad on a mission connected with the public service. You will please, therefore, give him passage on one of the government st'rs, at the usual rates charged officers on duty.

Y'r ob't serv't,

(Signed) THO'S L. BAYNE,
Maj., on duty with Chief of Ord.

CONFEDERATE STATES OF AMERICA,
War Department, Ordinance Office,
Richmond, Sep. 28th, 1863.

Capt. E. C. Stiles, Richmond, Va.:

CAPT.: Your letter of 26th inst., acknowledging payment of y'r salary by Major M. S. Walker, at St. George's, Bermuda, up to 1st inst., and requesting that Major Walker be instructed further to pay you up to 16th inst., date at which your services to this department ceased, at hand.

Of even date herewith Maj. Walker is advised to comply with y'r request as above.

Your mission abroad being connected with the public service, I also advise Mr. Seixas, ag't war dep'm't at Wilmington, to give you passage at the usual rate to officers of the gov'm't on duty on one of the gov'm't st'rs.

With thanks for the zeal and efficiency displayed by you while connected with this dep'm't, I have the honor to remain, very respectfully, y'r ob't serv't,

(Signed) J. GORGAS,
Col. and Ch'f of Ord.

31 BURY STREET, ST. JAMES,
London, December 10th, 1863.

The Hon'ble Jno. Sliddell, &c., &c., &c., Paris:

MY DEAR SIR: Will you be kind enough to inform me at your earliest opportunity if the Confederate Government would be much pleased to find that private parties here purchased bonds of the Confederate gov't cotton loan (3,000,000 st'g), demand the cotton, and sent out steamers to run it out on their account; that you have already formulated a receipt to be given in quadruplicate in exchange, for such bonds lodged with you, and that these certificates, in lieu of the bonds themselves, will obtain the cotton. Is this the fact?

I believe the cotton in terms of the bonds, is deliverable at the various ports named in the event of peace, or 10 miles inland in the

event of war. Is it practicable to have this delivery at the port instead of these ten miles off at the present juncture, viz., during war, as it is a material point to parties engaging in such an operation to know that they can rely on having the cotton at the port of shipment and not inland?

At present under the system the gov't adopt of requiring one-third of the space of each steamer to carry cotton on the gov't account, the above named transaction becomes a very desirable one for enterprising men, and I desire to know from you whether it can be carried out with the entire sanction and approval of the Confederate gov't, and with the certainty of obtaining the cotton, notwithstanding the present or future rectriction of the gov't in the amount of cotton the owners are allowed to have of their own out of each cargo.

It is evident that if these operations could be carried out to any extent that the effect would be most beneficial on the price of the loan in this country, besides paying off such portion as is claimed.

I hope to visit Paris in a short time, and if all goes well with me, will sail for home in about six weeks.

Judge Buchanan desires his kindest regards.

I have the honor to be, very respectfully, &c.

P. S.—My reasons for asking the above questions are that all the gov't vessels (excepting the Eugenia) have been captured, and we are now much in want of good steamers to carry in our military stores, &c. I have a fine opportunity of engaging four splendid steamers to carry in freights on the gov't's own terms, if it is in your power to grant the above.

EDW'D C. STILES.

4 MANSION HOUSE PLACE,
London, E. C., 12th Dec'r, 1863.

Capt. E. C. Stiles, 31 *Bury St., St. James, S. W.:*

MY DEAR SIR: If you receive Mr. Slidell's reply I shall feel obliged by your acquainting me of its nature as early as you can on Monday, for since I had the pleasure of seeing you my scheme for the four st'rs is nearly all taken up as to subscriptions.

Yours, very truly,

(Signed) THOS. STERLING BEGBIE.

4 MANSION HOUSE PLACE,
London, E. C., 14th Dec'r, 1863.

MY DEAR SIR: Will you kindly let me have a copy of Mr. Slidell's official letter which he wrote to you, and which we read to day? I shall not part with it, and it strengthens my position here.

Yours, truly,

(Signed) T. STERLING BEGBIE.

ORDNANCE BUREAU,
Richmond, 19th July, 1863.

Capt. E. C. Stiles, Bermuda:

CAPT: Y'r letter of 29th ult'o at hand duly. The War Depart. has determined that failing a cargo of provisions, you are to load the H. P. with miscellaneous stores, including some arms, say 2,500 to 3,000 (in no event a larger number than 3,000). Under direction of Col. Gorgas, I write by same mail to Maj. Walker.

The enemy is making against Charleston a most formidable attack. So far we have repulsed them successfully.

Your ob't serv't,

(Signed) THO'S L. BAYNE,
Maj. on duty with Ch'f of Ord.

CONFEDERATE STATES OF AMERICA,
War Department, Ordnance Office, Richmond, August 4th, 1863.

CAPTAIN: Captain Wilkinson reports that he conversed with you freely as to the speed, draught, &c., of the Pinckney, and that you both concurred in the opinion that the risk of running her in would be very great. Major Walker also expressed the same opinion. Under these circumstances it has been determined to employ her either in carrying cotton to England and bringing back stores or such other service as may be most advantageous, and Major Walker has been directed accordingly, and you will please turn the steamer over to him. It is impossible to know here, at present, what instructions as to your own duty would accord best with your views. I am mindful of the service you have rendered my department, and if I thought there was any duty connected with any of the steamers coming within the range of my authority which would suit you, I should be glad to meet your wishes. Any communication from you will meet with attention.

Very respectfully,

(Signed) J. GORGAS,
Col. Chief of Ordnance.

Captain E. C. STILES.

Copy.

STEAMER H. PINCKNEY, August 10th, 1863.

Captain F. Johns:

CAPTAIN: My letter to you dated 24th July, ordering you to proceed to Halifax, is hereby annulled. You will now proceed to St. George's, take in a cargo which will be furnished you, and then proceed under my directions to such port as I may designate. Should you have any doubts as to the ownership of this vessel, as she now bears an English register, and I am ready to make both, as to whom she really belongs, and to make such arrangements as will clear you from all responsibility in case of the loss of the vessel. As you have recognized my orders heretofore, I trust that you will continue to do so.

Yours, &c.

E. C. STILES.

The Confederate States of America to Edward C. Stiles, Dr.:

Sept. 1, 1863.	To services from 1 June, 1863, to 1 Sep'r, 1863, as commander of S. S. Harriet Pinckney, at $2,550 per annum, 3 months.....	$637 50

I certify on honor that the foregoing account is correct and just, and that I have not received payment heretofore for the time above specified.

(Signed) EDW'D C. STILES.

ST. GEORGE'S, BERMUDA, 22d August, 1863.

Received of N. S. Walker, the sum of six hundred and thirty-seven 50-100 dollars, in full payment of the foregoing account.
$637.50.

(Signed) EDW'D C. STILES,
C. S. M

Signed duplicates.

[Unofficial.]

DEAR SIR: Since conversing with you yesterday, relative to the vol. navy, and details to serve in N., &c., it has occurred to me that a gentleman is now in Richmond, where he will remain for a few days, who, in my judgment, is in all respects admirably qualified to command in that service. He is a lieutenant in our navy, has seen much service, and there are few men of equal capacity for this position. He also possesses uncommon information as to vessels, and where to purchase and fit them. Captain Stiles, the gentleman in question, will deliver this.

Very respectfully yours, &c.,

(Signed) S. R. MALLORY.

J. D. B. DE BOW, Esq're.

CONFEDERATE STATES OF AMERICA,
Navy Department, Richmond, September 28th, 1863.

Lieut. E. C. Stiles, C. S. Navy, Richmond:

SIR: In compliance with your verbal request, leave of absence is hereby granted you for the purpose of visiting Europe, in connection with purchasing vessels for the volunteer navy of Virginia.

I am, respectfully, your ob't serv't,

(Signed) S. R. MALLORY,
Secretary of the Navy.

Private.

4 MANSION HOUSE PLACE,
London, 7th January, 1864.

Capt. H. C. Stiles, Hastings:

DEAR SIR: I have your message at 4.30 p. m. "If you think it right, close telegraph by Brighton and south coast."

Mr. Talley has been here, and I have shown him your message; he says buy at once; but as it is to late to telegram to Glasgow to-night and to see builders, I write to you before doing anything, and I wire Knox that I write him to-night.

Before closing this I beg to call your attention the considerable risk that there is in altering this craft by removal of the poop and topgal't forecastle. Is this, think you, compensated for by the advantage gained? My Superintendent is of opinion that the danger of suspicion and seizure will be very great; except going head to wind there will be no perceptible gain in speed by removal of the poop. The price I consider high as compared to cost, but perfectly fairmarket value at present.

If I am to close it should be understood how I am to stand as to remuneration and the payment. The former I put at 2½ p'r cent. commission on the amount of payments; the latter to be £5,000 on committing myself to the purchase, £9,000 (about) on the 18th inst., and the balance of contract and outfit, &c., in cash on delivery. I await your telegram to-morrow morning; and if ordered therein to act I shall write Knox, who will be at the hotel waiting for my message to buy or not. If buying, my superintendent should go to Glasgow to-morrow night.

I am, dear sir, yours, faithfully,

(Signed) THOS. STERLING BEGBIE.

Paris, 28 June, 19 Rue du.

Capt. E. C. Styles:

MY DEAR CAPTAIN: I have not sooner answered your letter of 15th inst., because I have been expecting the pleasure of seeing you here.

The person who told me that the destination of your ship was known to many persons spoke in no unfriendly spirit. The fact is by no means surprising, as the object of your visit to Europe must necessarily have been known to several persons in Richmond and to others in London. I know from experience how difficult it is to keep anything secret when even but a few persons have been entrusted with it. My object in saying what I had heard was to put you on your guard. Do you still intend to take the next steamer to Halifax? and will you visit Paris in the meanwhile?

Pray present my best regards to the Buchanans, and believe me,

Very truly yours,

(Signed) JOHN SLIDELL.

4 MANSION HOUSE PLACE,
London, E. C., 28th May, 1864.

Capt. E. C. Styles:

MY DEAR SIR: I am arranging to despatch Hawk Tuesday week, which gives you to-day's mail and New York and Nassau arrival, as also Bermuda mail, next Monday week per Cunard. If you have any money lying by you it will be convenient for me to receive it just now; the guns having lost the last craft cannot leave this before the 8th or 10th prox'o, when they are to be shipped.

You will be sorry to hear that Minnie has been captured, coming out on 9th, by the Connecticut. My luck is inf—l.

Yours truly,

(Signed) THOS. STERLING BEGBIE.

PARIS, 3 June, '64.

Capt. E. C. Stiles:

MY DEAR SIR: I am very much obliged to you for your kind offer to take charge of anything I might wish to send to the Confederacy, but at this moment I have no occasion to avail myself of it.

I was prepared to hear of your having trouble about your ship, as I heard some weeks since the precise motive of your expedition spoke of, and on my expressing surprise that it should be known, was told that it was a matter of notoriety both at London and Liverpool. I mention this that you may not suppose that you have been interfered with on mere vague suspicion, and you will see the necessity of extreme caution in your movements, and of perfect silence on the part of your subordinates.

With best wishes for your welfare and success,

Yours truly,

(Signed) JOHN SLIDELL.

Who is the pretended Confederate who interests himself in your movements?

4 MANSION HOUSE PLACE,
London, 28 Oct., 1864.

Capt. Stiles, 20 *George st., Hanover square:*

MY DEAR SIR: Pray let me have your written authority to sell the guns, &c., at Bermuda, which will enable me to write one to-morrow, also a note to Archer, whom I shall request to endeavor to effect sale as we spoke of to best advantage. I leave the city at 12 to-morrow; back at 4 p.m.

Yours truly,

(Signed) THOS. STERLING BEGBIE.

4 MANSION HOUSE PLACE,
London, 29th October, 1864.

Capt. E. C. Stiles, 20 *George st., Hanover square, W.:*

MY DEAR SIR: I regret you should have misunderstood my note. I therein stated that I left at 12 noon, but returned at 4 p. m. I have your letter of to-day, and note that you decline to allow the guns, &c., to be sold. Be it so as arranged. I write out by the mail to-night to the ag'ts and Capt. Cobby to load Hawk and return to L'pool with the least possible delay.

I am, my dear sir, yours truly,

(Signed) THOS. STERLING BEGBIE.

PARIS, 27 Feb'y, '65.

Capt. E. C. Stiles:

MY DEAR SIR: I am very much obliged to you for your kind offer to take charge of despatches, but I have already confided them to Capt'n , who will be a fellow-passenger with you from Southampton.

Wishing you a safe voyage to the Confederacy,

Yours truly,

(Signed) JOHN SLIDELL.

4 MANSION HOUSE PLACE,
London, 1st March, 1865.

Capt. E. C. Stiles and D. T. Talley, esq'r, 15 *Bury st., St. James, S. W.:*

DEAR SIRS: With reference to the large amount due to me for the S. S. Hawk, as stated in account made up to the 11th Jan'y, '65, which has been vouched by you and found correct, and in respect to the payment of which sum (£11,212 3s. 7d. st'g) as it appears to me probable that the large sacrifice of this property has arisen solely from the inability of the purchasers for whom you have acted being unable to obtain sterling bills to remit. It further is evident that if they found this difficulty in remitting to you in 1864, the difficulties in obtaining sterling will henceforth be very much increased. I assume that it cannot be their intention to throw on me such a heavy loss, seeing that I have acted throughout in this transaction singly as your bankers on a commission of 2½ per cent., and I therefore beg to suggest that if you find it impossible to obtain and remit me sterling amount, that you arrange it in some other way. If you cannot get the amount or part of it remitted to me I am willing to receive payment of the balance in cotton, middling in good condition, located at some safe point or points, not over 200 bales at any one point, at the price of 4d. p'r lb. st. The last cotton I bought at Wilmington, press packed, cost me ¾d. p. lb., and at the present price of the cotton loan here 48-49, cotton not liable to any export duty beyond the ⅛th

of a cent p'r lb. is just under 3d. p'r lb. I would particularly call to your attention the desirability of having this cotton at various stations, so as to avoid the risk of capture by the enemy or destruction at their approach, and beg that you will send me home proper certificates of the cotton, that I may claim it hereafter; which certificates you will take in quadruplicate.

Wishing you a speedy and successful passage across the Atlantic and into the Confederacy,

I am, dear sir, yours truly,

(Signed) THOS. STERLING BEGBIE.

HAVANA, April 1st, 1865.

Capt. E. Stiles, C. S. navy, has permission to proceed to Galveston on the steamer Owl.

(Signed) CH. J. HELM.

HOUSTON, April 5th, 1865.

Capt. Moore, S. S. Wren, Galveston:

SIR: Mr. John Williams will with this make known the object of his visit.

Mr. Williams is desirous of visiting Havana, and applied to me for passage; but as I have made it a rule not to interfere with the management of the gov't ships leave the matter entirely with you.

Very respectfully,

(Signed) HENRY SAMPSON.

HEADQUARTERS DISTRICT OF TEXAS, NEW MEXICO, AND ARIZONA, HOUSTON, April 12th, 1865.

[Special Orders No. 102.]

Capt. E. C. Stiles, C. S. N., and James Craig will be permitted to proceed to Galveston to see the Major Gen'l com'd'g and return. Furnish transportation.

By command of Major Gen'l Magruder.

(Signed) STEPHEN D. YANCEY,
A. A. G.

Transportation Houston to Galveston.

(Signed) N. A. DOUGLES,
Capt.

Pass to Galveston.
Houston, April 12, '65.

(Signed) E. J. STANLEY,
P. C.

Pass to Houston.
April 18, '65.

(Sig'd) F. S. DOUGLES,
Cap. and Pro. Marshal.
By G. T. GRANGER.

HOUSTON, April 27th, 1865.

Cap. J. Marcy, S. S. Lark, Galveston:

SIR: Capt. Stiles and Lt. Craig desire a passage on your ship to Havana. I presume these gentlemen will be satisfied with a berth on a bale of cotton. If so, grant it.

Respectfully,

(Signed) HENRY SAMPSON,
Treas. and Ag't F. S. O.

H'D'Q'RS DEFENCES OF GALVESTON,
May 3d, 1865.

Capt. Stiles, C. S. navy, will be permitted to pass within the city limits and to and from the steamer Owl at pleasure until further orders.

By command of Col. A. Smith.

(Signed) WM. TYLER,
A. A. G.

HEADQUARTERS DIST. OF TEXAS, NEW MEXICO, AND ARIZONA,
Office Chief of Artillery, Houston, May 10th, 1865.

MY DEAR CAPTAIN: I am quite in despair about the condition of the Blakely guns, recently sent in on the Wren. As usual, they came in unserviceable condition; the carriages have been left in the Havana.

I have written to Major Helm on this subject, as well as about the ammunition for the Whitworth guns, which should have been sent by the Wren. I will consider it a great favor if you will impress upon Major Helm the great importance of getting in these stores without loss of time, as we may be obliged to abandon Galveston at any moment.

Is there no hope of getting the heavy Whitworth guns?

The news continues to be bad. Rumors this morning are to the effect that Johnson has surrendered. L't Gen'l Buckner has been announced as chief of staff of the dep't, and Gen. Smith informs us that he has peremptorily refused the summons of the federal com'd'r at New Orleans for the surrender of the dep't.

If you have time, drop me a line on the subject of the guns and ammunition.

I enclose a mem. for my cab, which I did not have a chance to give you before leaving.

Please remember me most kindly to Com'd'r Barrow, if you should see him, and believe me,

Very truly yours,

(Signed) G. F. MAGRUDER, JR.

I have just learned that Helm has been relieved by Mr. Heiliger, who will, I presume, receive my letter.

Com'd'r Stiles, C. S. Navy.

Confederate States of America, headquarters dist. of Texas, New Mexico, and Arizona. Official business. Col. Ch's. J. Helm, C. S. agent, Havana. Politeness of Commander Stiles, C. S. N.

ENROLLING OFFICE,
Charleston Dist., May 26th, 1864.

This certifies that conscript T. R. McGahan has reported at this office, and been accepted for light duty by the medical board. He is permitted to remain in the employment of the South Carolina Railroad Company until further orders, pursuant to instructions from the commandant of conscripts for S. C.

(Signed) L. M. GRIST,
Capt'n. and E. D. for Charleston Dist.

HEADQUARTERS DEPARTMENT OF SOUTH CAROLINA, GEORGIA AND FLORIDA, Charleston, S. C., Oct. 22d, 1864.

T. R. McGahan, regularly enrolled and assigned to light duty in consequence of deceased lungs, has permission to sail from this port, upon any vessel bound for Nassau or the West India Islands, he having been authorized to do so by the parties to whose employment he has been assigned.

By command of Lieut. Gen'l W. J. Hardee.

(Signed) JNO. F. LAC,
A. J. Gen'l.

GENERAL SUPERINTENDENT'S OFFICE SOUTH CAROLINA RAILROAD,
Charleston, S. C., November 22d, 1864.

Mr. Thomas R. McGahan, an employee of the South Carolina Railroad Company, being in bad health, has leave of absence from his duties until his health is restored.

(Signed) H. F. PEAKE,
Gen'l Sup't.

HAVANA, March 26th, 1865.

Major Gen'l N. J. Walker, com'd'g Texas, &c., &c., Houston:

GENERAL: Permit me to introduce to you Mr. T. R. McGahan, who visits Texas on business which will in some degree interest you. Mr. McGahan represents the two steamers Badger and Fox, to sail for Galveston on to-morrow; is brother-in-law to Mr. J. B. Laïtte, of the firm of Messrs. Frazer, Trenholm & Co., and is himself entitled to your friendship and full confidence. Any advice, attention, or kindness you may extend to Mr. McG. will be esteemed a personal favor to your friend and obed't serv't.

(Signed) CH. G. HELM.

NASSAU, N. P., March 28th, 1865.

T. R. McGahan, Esq., Havana:

MY DEAR SIR: Your esteemed favor of 22d inst., came duly to hand and contents are noted. I have not as yet been able to duplicate my purchase of quinine, but may be able to do so in the course of to-day or to-morrow, and if I succeed, will ship it by the Corsica. We were truly happy to receive news from home, and Euphrosine will write to Mr. Blois by the Corsica. I will send funds to Eugenie, so that should Emma go to New York, she will be able to get all the money she may need. I presume you will have left Havana ere this reaches there; if so, it will be forwarded to you at Galveston. We still propose leaving on the 26th prox'o, and I have requested Col. Helm to engage apartments for us. I have nothing whatever of interest to communicate, except that we are all well and anxiously awaiting the advices due by the Corsica to-morrow.

Please say to Capt. Brown, Mr. Holmes, and Mr. Thompson that I have received their letters, for which I thank them, but do not write to them, as they will have probably left Havana. I hope the Fox and Badger will make a successful voyage, but I doubt if they will be able to make a second one. Our last quotations of cotton from Liverpool is 18½d. for middling uplands. I would, therefore, prefer that you should not buy cargoes for the Fox and Badger, if any other arrangement can be made. I hope their cargoes will sell well, but if you can make prompt sales to cover costs, payable in undoubted sterling exchange, I would prefer selling at once to holding.

Marie is writing to you, and Phrose and Virginia send their love to you.

Believe me yours, truly,

(Signed) JNO. B. LAFITTE.

Per Imogene:

NASSAU, N. P., April 10th, 1865.

Mr. T. R. McGahan, Galveston:

DEAR SIR: Your esteemed favors of 26th ult'o and 2d inst., are to hand and contents duly noted. I congratulate you upon your narrow escape, and would advise you to take the Badger on your return. I presume we will be in Havana by the time you get there, as we will leave here on the 26th inst., and Havana on the 6th of May.

Cotton in Liverpool declined at one time to 15½d.; our last quotations are 17d. for middling uplands. I have no new instructions to give you in relation to the business of the boats, except that it is extremely desirable that you should, if possible, avoid drawing upon Herresa & Co., or Fraser, Trenholm & Co. If you cannot sell the inward cargoes, I would prefer that you should take a full cargo even at 5d. per lb., or take cargo from private shippers at one-half for the other, even if you have to give to the gov't the steamer's half. I trust, however, that you will be able to sell the inward cargoes; I

would prefer them sold at cost in preference to leaving them in the country unsold.

It is my present intention to give up the business altogether, and to send the ships back to England should they get out all safe. I have received the Col. Lamb's disbur'ts acc. Her expenses in Havana were frightfully heavy, and I fear those of the Fox and Badger were also very large. I must beg of you to do all you can to reduce expenses, for if successful there will be little or no profit on the voyage.

We have had no news from home since you left. We have northern advices to the 1st, which are neither encouraging nor otherwise. A great battle has probably been fought ere this, by which the fate of Richmond has doubtless been decided one way or the other.

We are all quite well at home, and I enclose a letter from Marie. Hoping to meet you in Havana, I remain

Truly yours,

(Signed) GEO. B. LAFITTE.

I sent funds to Eugenie, and requested her to furnish Emma with whatever she may need should she go to N. Y.

Capt. Moore, steamer "Wren:"

Please receive on board following:

20 (twenty) bales bagging.
[B] n 25 (twenty-five) sack nails.
5 (five) sacks horse-shoes.

The mate will also please give lighterman receipt for effects shipped yesterday by C. G. Ramsay.

Habana, 23 Marzo, 1865.

For C. G. Ramsay—

(Sig'd) FRANCIS PARENT.

2 bales bagging in bad order.

(Sig'd) W. H. CLASSAU,
Master.

Captain Raisbeck, st'm'r "Wren:"

Please receive on board ste'm'r "Wren," in good order and condition, following from Messrs. Vignier, Robertson & Co.:
SK 5–7, No. 10; [O] 36–40; [S] 64; [S] 221–224; [S] 49–54.
20 (twenty) cases medicines.

Havana, 15th March, 1865.

(Signed) F. V. PARENT.

Abstract of acc. made in Havana 1st April, 1865—original and vouchers left with Maj. C. J. Helm, C. S. agent No. 12 Calle Mercacaderes, Havana; signed D. D. Talley, for Capt. E. C. Stiles.

	£	s	d
Three bills protested	612	0	0
One bill protested	50	0	0
First payment on S. S. Hawk	8,500	0	0
Second payment on S. S. Hawk	6,000	0	0
Third payment on S. S. Hawk	1,500	0	0
Fourth payment on S. S. Hawk	3,606	5	0
Mrs. Preston, Board, &c	67	11	10
Paid for company's books	100	7	2
E. R. Archer	135	9	6
D. D. Talley	89	10	9
Dinners, &c	46	17	6
John Knox	78	15	0
E. R. Archer	107	8	8
Capt'n. Stiles	253	14	0
C. D. Talley	80	7	1
D. D. Talley and Capt'n Stiles from 1st Oct'r to 1st Feb'y, board	300	0	0
	21,537	6	6
Secret fund	300	0	0
D. D. Talley, board at Camdentown	120	0	5
Expenses, &c., Paris, Capt. Stiles and Talley	30	0	0
J. Knox, Archer, and Talley to Glasgow	40	0	0
Cap. S. and Talley to L'pool	15	0	0
Office rent, &c			
Full amount sterling	23,349	12	2

(ENDORSED.)

Abstract for Capt. E. C. Stiles, Havana, April 1st, 1865.

D. D. T.

United States of America:

District Court of the United States, Southern District of Florida.

UNITED STATES *vs.* THE STEAMER WREN AND CARGO. } Stipulation.

It is agreed between the district attorney, on behalf of the United States, and the proctor for the claimants, on their behalf, that, in or-

der to avoid an accumulation of papers in the record of this case for the Supreme Court, not necessary to the determination of the cause, that the following papers, as marked on the Prize Commissioner's schedule of papers returned in this case, be omitted in making up the record, to wit:

Schedule E.

No. 1. Letter addressed John Hanckel Charleston, S. C.
2. Letter addressed Rev. J. S. Hanckel.
3. Letter addressed E. W. Chapman, Greenville, S. C.
4. Letter addressed C. F. Hanckel, Charleston, S. C.
5. Letter addressed B. F. Morse, Charleston, S. C.
6. Letter addressed Ch. Hanckel, D. D.
7. Letter addressed Edw'd Chaffin, Surg. Hine's division, Maj. Gen'l Wheeler's corps, army of Tennessee.
8. Six photographs and notice of Gen'l Polk's funeral.
9. Bill.
10. Memorandum book.
12. Bill ag't Cap. Stiles, bot of Jas. Medwin & Co., London.
13. Military pass for Cap. Stiles to pass from Richmond to Wilmington (signed) B. Duncan, for Maj. Gen'l Whiting, Sep. 10th, 1861.
14. Eight visiting cards.
15. Bill against E. C. Stiles in acc't Cunard, Wilson & Co.
16. Bill of exchange.
17. Military pass for Cap. Stiles by E. Grimald, pro. marshal, Sep. 22, '63.
18. Pro. Marshal pass for Cap. Stiles and ten others to pass the lines.
19. Photograph.
20. Buisness card.
21. Copy of a description of a steamship building at Renfrew.
22. Bill against Cap. Stiles in acc't with John S. Brown, St. George's, Bermuda, Dec. 13, 1862.
23. Receipt from J. S. Brown in favor of Capt. Stiles for the sum of £75 at St. George's, Bermuda, Dec. 14, 1863.
24. Hotel bill.
25. Letter addressed E. C. Stiles, Consul U. S. of A., at Vienna.
26. Bill Vienna, Nov. 26, 1860.
27. Bill, Jan'y 14, 1861.
28. Card.
29. Memorandum book.
30. Eleven bills, dated Oct. 31, 1859.
31. Bill in 1860.
32. Letter from Jas. Buchanan to E. C. Stiles, Wheatland, Sept. 3, '61.
33. Bill.
34. Card.
35. Envelope directed John Fraser & Co., Columbus, S. C.
36. Memorandum book.
37. Almanac and memorandum book.

38. Letter from Stiles's wife.
39. Letter addressed Cap. Stiles from Fline Maffit, dated Fayetteville, N. C., Sept. 22, 1863.
40. Masonic pass dated San Francisco, Sept. 30, 1853.
41. Portfolio.
42. Pocket-book.
43. Portfolio containing letter writing paper.
44. Portfolio containing blotting paper and Paris fashions.
46. Laurie's collection of maritime flags.
47. Book—relates U. S. Consul business.
48. Metal plate.

Schedule F.

No. 1. American passport given by W. L. Marcy to Ferdinand L. Larcunto, dated Washington, Sept. 2, 1856.
2. Letter addressed Capt. Stiles, from Cunard, Wilson & Co., Nov. 2, '63.
3. Copy of letter written by Alex. Collie.
5. Letter from Alex'r. Collie.
6. Card from Christian Schuller.
7. Letter addressed Cap. Stiles, f'm Cunard, Wilson & Co., Dec. 31, '63.
8. Letter addressed Cap. Stiles, from Cunard, Wilson & Co., Dec. 8, '63.
9. Description of "Phœnix."
10. Bill against Cap. Stiles, Nov. 13, '63.
11. Bill against Cap. Stiles, Jan'y 27, '62.
12. Description of Amphion.
13. Description of Reinard.
14. Letter addressed Cap. Stiles from Cunard, Wilson & Co., Nov. 19, '63.
15. Cast acc't between E. C. Stiles and G. L. Lewis, at Phil'a, Nov. 19, '55.
16. Bill against Cap. Stiles.
17. Letter to Cap. Stiles f'm Cunard, Wilson & Co., Nov. 3, '63.
18. Letter to Cap. Stiles, f'm Cunard, Wilson & Co., Nov. 11, '63.
19. Manifest of brig Peidmonte—Stiles master.
20. Bill against Cap. Stiles.
22. Letter addressed Cap. E. C. Stiles, by John Bennengt, Dec. 1, 1863.
23. Bill against Cap. Stiles.
24. Bill against Cap. Stiles.
25. Envelope directed E. C. Stiles, on ordnance duty.
26. Letter addressed John Wilkie from Cunard, Wilson & Co.
27. Letter addressed Cap. Stiles from Cunard, Wilson & Co., Nov. 12, '63.
28. Letter addressed Cap. Stiles from Cunard, Wilson & Co., Nov. 16, '63.
29. Letter addressed Cap. Stiles, from Cunard, Wilson & Co., Nov. 25, '63.

30. Letter addressed Samuel S. Harrison, Pres't V. V. navy, not signed.
31. Bill against Cap. Stiles.
32. Letter addressed Cap. E. C. Stiles from I. Wabet, Nov. 12, '63.
33. Bill against Mrs. Beverly Tucker, Aug. 7, '63.
34. Bill in favor of Trott & Atwood, Aug. 7, '63.
35. Bill against Laura H. Tucker, Aug. 7, '63.
36. Bill against Mrs. Beverly Tucker, Aug. 7, '63.
37. Bill against Cap. Stiles, Aug. 22, '63.
38. Note speaking of the Burnside expedition, no date.
39. Letter addressed Cap. E. C. Stiles, by H. Burden, Aug. 6, '61.
40. Bill against E. C. Stiles.
41. Bill against E. C. Stiles.
44. Letter addressed E. C. Stiles by Elisha Whitney, Jan. 3, '62.
45. Card advertising sailing of steamer Hawk.
46. Description of some vessel.
47. Letter addressed E. C. Stiles by Elisha Whitney, Oct. 30, '61.
48. Letter addressed Cap. Stiles by Saul Isaac, Mar. 31, '63.
49. Receipt for coal on steamship Eugenie.
50. Letter addressed Cap. Stiles by Saul Isaac, Ap'l 18, '63.
51. Agreement between J. C. C. Moor, branch pilot, and the war dep't.
52. Rating of a chronometer.
53. Bill against Cap. Stiles.
54. Letter addressed E. C. Stiles by E. W. Butler, jr., Sept. 18,'59.
55. Letter addressed to Stiles by L. Stamp, 1856.
56. Acc't between E. C. Stiles and Rob't Martin & Co.
58. Copy of a letter addressed to Messrs. Oscar Prolss & Co. by E. Whitney.
59. Power of attorney, Jan. 15, '55.
60. Disbursemt's of British steamer Eugenie, Ap'l 24, '63.
61. Receipt in favor of Cap. Stiles for £15 in gold.
62. British passport granted Louis Mortimer, Sep. 28, '59.
63. Lease of house and furniture, Oct. 17, '55.
64. Agreement between E. C. Stiles and L. M. Broadwell in reference to procuring a patent, Aug. 25, '59.
65. Bill against Stiles.
66. Receipt for rent, Jan. 21, '56.
67. Receipt for rent, Dec. 19, '55.
68. Bill against Mr. Stiles, Dec. 31, '55.
69. Cast acc't between E. C. Stiles and I. Lewis, Nov. 19, '55.
70. Bill against Mrs. Shubrick, July 30, '55.
71. Receipt, Nov. 24, '55.
72. Receipt for rent, July 17, '56.
73. Receipt for rent, Feb. 17, '56.
74. Bill and receipt against E. C. Stiles.
75. Bill against E. C. Stiles, Aril 30, '55.
76. Receipt for rent, Nov. 2, '55.
77. Bill against E. C. Stiles, Nov. 26, '55.
78. Bill against Stiles's estate, Jan'y 1st, '56.
79. Bill against Mr. Stiles.

80. Receipt in favor of Cap. E. C. Stiles.
81. Patent transferred to Stiles from Henry Burden.
82. One package of six sheets, containg acc't between E. C. Stiles and Isaac Campbell & Co., Ap'l 11, '63.
83. Letter addressed E. C. Stiles by Jno. A. Jones, Aug. 9, '61.
84. Letter addressed John A. Jones, Sep. 1st, '61.
85. Description list from Richardson, Buck & Co.
86. Description of vessels from Cunard, Wilson & Co.
87. Pamphlet of standard weights, &c.
88. Rules and regulations of army and navy club.
90. Fifty-cent bill on State of North Carolina.
91. Twenty-five cent bill on Augusta Saving Bank.
92. Letter addressed Cap. Stiles, Hastings, by E. J. Padden.
93. Letter addressed Cap. Stiles, Hastings by T. S. B., Jan. 23, '64.
94. Letter addressed E. C. Stiles by L. M. Broadwell, Feb. 19, '62.
95. Bill against Cap. Stiles, Jan. 10, '63.
96. Letter addressed my dear Ned by Bess Nessey.
97. Letter addressed my dear Ned by Bess.
98. Letter addressed my dear Ned by Bess.
99. Letter addressed E. C. Stiles by C. M. Wilcox.
100. Note addressed E. C. Stiles by J. R. Value.
101. Letter addressed E. C. Stiles by A. B. Carwin & Co.
102. Letter addressed A. B. Carwin by James Findlay.
103. Bill against Cap. Stiles.
104. Letter from Vienna dated Feb. 20, '62.
105. Letter addressed to Mr. Stiles from his sister Mary B. Lipen.
106. Letter addressed to Mr. Stiles from Mary B. Lipen.
107. Letter addressed to Mr. Stiles from L. M. Broadwell.
108. Letter addressed to Mr. Stiles from L. M. Broadwell.
109. Invitation card.
110. Envelope directed Cap. E. Stiles.
111. Letter addressed Cap. E. C. Stiles, from W. F. Bercrew.
112. Letter addressed Cap. E. C. Stiles from S. Isaac Campbell & Co.
113. An instrument executed in San Francisco, Cal.
114. Envelope directed to Mr. Stiles, Consul U. S., Vienna.
115. Envelope directed on E. C. Stiles, U. S. Consul, Vienna.
116. Receipt in favor of E. C. Stiles.

Schedule G.

No. 2. Receipt.
3. Military pass.
4. Letter addressed E. C. Stiles by Leopold Burworth.
5. A U. S. protection given Stiles by U. S. Sect'y, Sep. 22, '56.
6. Spanish regulations for captains and supercargoes.
14. Letter addressed E. C. Stiles by Elisha Whitney.
34. Night and day signals for st'r Columbia and Cap. Stiles's vessels.
38. Order to railroad officers.
40. Bill contracted by st'r Columbia approved by Stiles.
41. Military order.
44. Letter of introduction to Stiles from Emile Erlanger.
45. Letter addressed Jno. T. Browne by Cap. Stiles.

47. Note addressed Cap. Stiles from Jno. T. Browne.
49. Letter addressed Cap. Stiles by T. S. B.
50. Letter addressed Cap. Stiles by Cunard, Wilson & Co.
51. Letter addressed Cap. Stiles by Cunard, Wilson & Co.
52. Letter addressed Cap. Stiles by N. J. Walker.
53. Letter addressed Cap. Stiles by Alex'r Collie.
55. Letter addressed Cap. Stiles by Cunard, Wilson & Co.
56. American passport given by W. L. Marcy, Ap'l 2, '56.
57. Letter addressed A. M. Weir by B. Weir.
58. Bill against Cap. Stiles.
60. E. C. Stiles in acc't with V. V. navy.
62. Naval order for Louis McGreger (signed) S. R. Mallory.
65. Bill against Cap. Stiles.
66. A communication f'm S. R. Mallory to Louis McGregor.
69. Bill.
70. Letter of introduction f'm Jno. D. Hammersley, to Jas. W. Stuvellen.
72. Telegraph despatch.
73. Transportation ticket.
74. Military pass.
76. Letter addressed E. C. Stiles by E. R. Archer.
77. Insurance policy in favor of Mr. Stiles.
78. Bill against Mr. Stiles.
79. Photograph.
80. Letter addressed Cap. E. C. Stiles by R. B. Pegram.
81. Letter addressed Cap. E. C. Stiles by Tho's Sterling Begbie.
86. Envelope directed E. C. Stiles, Hastings, Sussex.
87. Envelope directed to E. C. Stiles, late U. S. Consul, Vienna.
88. Envelope directed E. C. Stiles, &c.
89. Envelope directed to Louis McGregor, Richmond.
90. Envelope directed E. C. Stiles, Lt. C. S. navy, Richmond.
92. Envelope directed Cap. L. Marcy, S. S. Lard, Galveston.
94. Envelope directed E. C. Stiles, appointment, orders, &c.
95. An act of Congress establishing a vol. navy.
96. One package of 12 sheets giving descriptions of vessels in Liverpool by Cunard, Wilson & Co.
97. One package of 10 sheets giving description of vessels in Glasgow by John Wilkie.
98. Memorandum book.

Schedule H.

No. 2. Letter addressed E. G. C. Stiles by Fred Banks.
3. Letter addressed Cap. Stiles by S. Isaac Campbell & Co.
4. Descriptive memorandum of some boat.
5. Envelope directed Cap. E. C. Stiles.
6. Acc't and receipt from S. Isaac Campbell & Co.
8. Letter addressed Cap. Stiles by Tho's Sterling Begbie.
10. Bill against Cap. Stiles.
11. Bill against Cap. Stiles.
12. Bill from W. H. Cremer, jr., Jan. 27th, 1864.
13. Letter addressed Cap. Stiles from D. D. Talley.

14. Letter addressed D. D. Talley, from Cap. Stiles.
15. Letter addressed Messrs. Cunard, Wilson & Co., Liverpool.
16. Letter addressed Cap. E. C. Stiles from D. D. Talley.
17. Letter addressed Cap. Stiles from a lady friend.
18. Letter addressed Cap. Stiles from his sister.
19. Bill against Cap. Stiles.
20. Bill against Cap. Stiles.
22. Envelope directed Cap. E. C. Stiles.
23. Bill against Mr. Talley.
24. Letter addressed Cap. Stiles signed by John Knox.
26. Copy of letter addressed Messrs. Cunard, Wilson & Co. from E. C. Stiles.
27. Description of steamship building at Renfrew.
28. Envelope directed Cap. Stiles, Hanover Square.
29. Communication to the editor of the *Daily Telegraph.*
30. Receipt in favor of Major Walker.
31. Communication to the editor of the *Daily Telegraph.*
32. Letter addressed Cap. Stiles from John Knox.
33. Ten photographs.
34 Relates to the attaching of certain guns, &c., no date, no sig.
35. Letter dated Oct. 29, '64, relates to guns, and to the detention of the Hawk.
36. Letter from E. C. Stiles.
37. Bill against Cap. Stiles.
38. Envelope directed Mr. Gromner.
39. Spanish regulations for captains.
40. Letter addressed E. C. Stiles from H. O. Hewer.
41. Almanac.
42. Sailing directions for the Gulf of Florida.
43. Printed agreement between crew and ship.
44. Telegram to E. C. Stiles from Jos. F. Lovell.
45. Description of a British steamer for sale.

Schedule I.

No. 1. Letter addressed S. R. McGahan from his sister.
2. Letter addressed S. R. McGahan from his sister.
3. Letter addressed S. R. McGahan from his wife.
4. Memorandum.
6. Requisitions for engines of steamer Wren.
8. Note in Spanish.
9. Letter addressed S. R. McGahan from his wife.
10. Letter addressed T. R. McGahan from S. Dible.
11. Letter addressed T. R. McGahan by W. Hasselton.
12. Letter addressed T. R. McGahan by W. Hasselton.
13. Letter addressed T. R. McGahan by his wife.
14. Letter addressed T. R. McGahan from his wife.
19. Envelope addressed T. R. McGahan, Esq., Havana, Cuba.
20. Letter addressed T. R. McGahan from A. Benjamin.
22. Letter addressed T. R. McGahan from A. C. Wyley.
23. Bill against McGahan.

24. Hotel bill against McGahan.
25. Bill against S. S. Wren in favor of C. B. Cook.
26. Letter addressed T. R. McGahan by A. Lessuner.
27. Letter addressed T. R. McGahan from his sister.
28. Note from Jno. B. Mills, May 9, '65.
29. Invitation to T. R. McGahan.
30. Hotel bill against T. R. McGahan.
31. Letter addressed T. R. McGahan from W. W. Burney.
32. Letter addressed T. R McGahan from his wife.
33. Bill against T. R. McGahan.
34. Letter addressed T. R. McGahan by Geo. C. Gaug.
35. Letter addressed T. R. McGahan by Jno. Lawney.
36. Letter addressed T. R. McGahan from his sister.
37. Letter addressed T. R. McGahan from his niece.
38. Bill against Capt. Moore.
39. Note to T. R. McGahan from Sarah Ann Calloway.
40. Letter addressed D. Culhane from Bryant.
41. Letter addressed T. R. McGahan from his wife.
42. Letter addressed T. R. McGahan from his wife.
43. Letter addressed to T. R. McGahan from his wife.
44. Letter addressed to T. R. McGahan from his wife.
45. Letter addressed to T. R. McGahan from his wife.
47. Letter addressed to T. R. McGahan from his wife.
48. Letter addressed Messrs. Brown, Shipley & Co. by Jas. Craig.
49. Card.
50. Letter addressed Elliott De Jarnett from his father, D. C. De Jarnett.
51. Letter addressed Messrs. Jno. Fraser & Co. by C. M. Prioleau.
52. Balance sheet of Messrs. Trenholm & Co.
53. Profit and loss acc't of Messrs. Fraser, Trenholm & Co.
54. Letter addressed T. R. McGahan from W. Hasseltine.
55. Memorandum.
56. Letter addressed T. D. Wagner from C. R. P.
57. Letter addressed Cap. Knowlton by J. E. Owens.
58. Passport for Dr. Andres J. Moore.
59. Sealed letter addressed Messrs. S. Prioleaue, care T. D. Wagner.
60. Letter addressed T. R. McGahan from his wife.
61. First officer's memorandum book S. S. Wren.
62. Package of receipts of articles rec'd on board Wren.
63. Package of receipts for goods delivered to st'r Wren.
64. Order for bag raisins.
65. Package cont'g five C. S. bonds for $500 each, directed to Thos. R. McGahan.
66. Spanish pass dated Jan'y 10, '65.
67. Envelope addressed W. S. Swymer.
68. Letter addressed T. R. McGahan from his sister.
69. Letter addressed T. R. McGahan from W. Hasseltine.
70. Letter addressed T. R. McGahan from W. Hasseltine.
71. Letter dated at Augusta, Ga., Dec. 3, '64, from Jno. to Tom.
72. Duplicate letters addressed T. R. McGahan by Moncuze Statesbury.

73. Invoice of McCombe patent cotton press.
74. Duplicate invoice of McCombe patent cotton press.
75. Copy of letter to Augustus Dibble and T. R. McGahan by Moneze Statesbury.
76. Letter addressed T. R. McGahan from Moncuze Statesbury.

Schedule K.

1. Copy of letter addressed Mr. Sigmun Guterman by E. S. Stiles.
2. Translation from the New York *Handur Zeiturn.*
3. Likeness of Jas. L. Orr.
4. Letter addressed D. D. Talley from Jno. McGill.
5. Letter addressed Cap. E. C. Stiles by Thos. S. Begbie.
7. Letter addressed E. C. Stiles from S. Isaac Campbell.
8. Hotel bill against Cap. Stiles.
9. Appears to be an index to some other paper and private matter.
10. Draft of steamer Cornubia.
11. Draft of S. S. Justitia.
12. Copy of bill of sale of a certain piece of land.
13. Package of eleven sheets descriptions of vessels.
14. Note from B. P. Buchan to Cap. Stiles.
15. Card of James T. Soutter.
16. Bill against E. C. Stiles.
17. Bill against Cap. Stiles.
18. Bill against Cap. Stiles.
19. Invitation card addressed to Cap. Stiles.
20. Bill against Cap. Stiles.
21. Card of W. W. Glen.
22. Letter addressed Cap. E. C. Stiles from Wil. Boyl.
23. Letter addressed Cap. E. Stiles, no signature.
24. Bill against Cap. Stiles.
25. Bill against Cap. Stiles.
26. Bill against Mrs. Preston.
28. Note to Cap. Stiles.
29. Letter from L. M. Broadwell dated Munich, Feb. 29, '62.
30. Letter addressed Sam'l J. Harrison from F. C. Stiles.
31. Copy of letter addressed Col. Floyd J. Beale, chief of C. S. marine corps, from E. C. Stiles, Dec. 9, '64.
32. Envelope directed Cap. E. C. Stiles, St. James.
33. Letter addressed Mr. Williamson from E. C. Stiles.
34. Letter addressed Col. Floyd J. Beale by E. C. Stiles.
37. Letter addressed Capt. Jas. D. Bullock by Cunard, Wilson & Co.
40. Envelope directed V. De Morie, London, England.
41. Bill against Cap. Stiles.
42. Card of M. De Morie.
43. List of lottery tickets belonging to Mr. Cook.
44. Steamboat ticket.
45. Bill.
46. Bill.

47. Note from E. C. Stiles to J. H. Housen for $2,000.
48. Nine photographs.

(Signed) HENRY G. PLANTZ,
U. S. Att'y. S. Dis't, Fl'a.

(Signed) SAMUEL WALKER,
Proctor for the Claimant.

Key West, August 23d, 1865.

Depositions under order for further proof.

THE UNITED STATES
vs.
THE STEAMER WREN, EDWARD C. STILES, *Master and Claimant.* } Prize.

Deposition of Thomas R. McGahan before W. C. Maloney, Esq., Prize Commissioner at Key West, June 29th, 1865.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer "Wren" at the time of her seizure?

To the first interrogatory he answers that his name is Thomas R. McGahan; on the present voyage of the "Wren" he was the purser of the "Wren;" his occupation generally is that of a merchant, his place of residence is Charleston, South Carolina; he was on board the steamer "Wren" at the time of her seizure.

Second Interrogatory. Give the names of all the persons who took part in the seizure of the "Wren," and the dispossession of the master, or who had knowledge of the undertaking before the commencement of its execution.

To the second interrogatory he answers that he does not know the names of all the persons who took part in the seizure of the "Wren" and the dispossession of the master; a man whose name he believes to be Gilley, and another called Van Amburgh, with two others whose names he did not know, came into deponent's room and made him a prisoner; from the conduct of a man called Hamilton and one called Harwood, and the carpenter and the third officer, Duggan, subsequent to the seizure, he believes that they had knowlege of the undertaking before its commencement.

Third Interrogatory. State the name of the person who appointed Edward C. Stiles to the command of the steamer "Wren;" state to the best of your knowledge and belief.

To the third interrogatory he answers that he does not know who appointed Edward C. Stiles to the command of the "Wren." At the time of leaving Havana deponent believed that Major Charles J. Helms appointed Captain Stiles to the command; he arrived at that

belief from hearing Major Helms speak of the resignation of the former master Capt'n Moore, and the steamer being about to go to England. He believed that Major Helms controlled the steamer; deponent desires to add that since the arrival of the "Wren" at Key West he has heard Captain Stiles say that he, Stiles, was appointed by Mr. Ramsay, which he believes to be the fact.

Fourth Interrogatory. State in what capacity and by what authority the person who appointed Captain Stiles to the command of the "Wren" acted in making said appointment. State to the best of your knowledge and belief, and give your means of information.

To the fourth interrogatory he answers that he believes that Major Helms acted in the capacity of agent for Fraser, Trenholm & Company in making the appointment of Captain Stiles to the "Wren" as master, if he made it at all. Has heard Major Helms say that he was the agent of Fraser, Trenholm & Company for the "Wren," and other steamers at Havana. He heard Major Helm say that he was in possession of a document which showed that he was the agent of Fraser, Trenholm & Company at Havana for the "Wren" and other steamers. Deponent heard Major Helm make this remark in connection with a claim made by Addison Cormack for a debt asserted to be due to him by the Confederate States, for which he threatened to attach the "Owl."

Fifth Interrogatory. Did the person who appointed Captain Stiles to the command of the "Wren," on the day of the appointment or previously, hold any public office or position in Havana or Cuba? If so, what office or position? Did he act in any public capacity? If so, in what capacity? State to the best of your knowledge and belief, and give your means of information.

To the fifth interrogatory he answers that he does not know who appointed Captain Stiles; he has already said that he believes the appointment was made by Major Helm. Previous to the time of the appointment of Captain Stiles, and witness believes also at the time of that appointment, Major Helm was regarded as the Confederate agent appointed by the government at Richmond. He has no knowledge of his having acted in any public capacity, but has heard him say that by the terms of his appointment he was not constrained to reside in Havana, but might reside anywhere else in the island of Cuba; from this conversation deponent inferred that Major Helm was residing in Cuba by appointment of the Confederate government in a public capacity.

(Signed) T. R. McGAHAN.

Deposition of Edward C. Stiles before W. C. Maloney, Esq., Prize Commissioner at Key West, June 29th, 1865.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer "Wren" at the time of her seizure?

To the first interrogatory he answers, that his name is Edward C. Stiles; occupation, master mariner; place of residence, England; he was on board the steamer "Wren" at the time of her seizure.

Second Interrogatory. Give the names of all the persons who took part in the seizure of the "Wren" and the dispossession of the master, or who had knowledge of the undertaking before the commencement of its execution.

To the second interrogatory he answers that he does not know the names of the persons who took part in the seizure and dispossession of the master; a person who he believes goes by the name of John Harwood, one of the quartermasters of the ship, and another person who is called Lewey, came into his room and made him a prisoner; the third officer, John Duggan, was on the bridge at the time and in charge of the watch, and he believes him to be one of the principal persons engaged in the mutiny. He has heard another person called Gilley announce himself as the leader of the gang, after deponent was made a prisoner. He has also heard one of the quartermasters called Hamilton announce himself as being one of the party making the seizure. He believes that all the crew of the vessel excepting the first and second officers, the purser, the second engineer, and cook, were engaged in or took part in it afterwards; he is so led to believe from their actions after the capture. He does not know who had knowledge of the undertaking before the commencement of its execution.

Third Interrogatory. State the name of the person who appointed Edward C. Stiles to the command of the steamer "Wren. State to the best of your knowledge and belief.

To the third interrogatory deponent answers. Deponent was appointed to the command of the "Wren" by Mr. C. G. Ramsay, of Havana.

Fourth Interrogatory. State in what capacity and by what authority the person who appointed Captain Stiles to the command of the "Wren" acted in making said appointment. State to the best of your knowledge and belief, and give your means of information.

To the fourth interrogatory deponent answers that he believes that Mr. Ramsay acted in the capacity of agent for the "Wren" at Havana, and by that authority appointed deponent to the command of the "Wren." The deponent's means of information in regard to Mr. Ramsay being the agent of the "Wren" at Havana is derived from the fact that Mr. Ramsay gave him a letter to the British Consul, requesting the consul to consider deponent as the master of the "Wren;" he has no other means of information on the subject.

Fifth Interrogatory. Did the person who appointed Captain Stiles to the command of the "Wren" on the day of the appointment or previously, hold any public office or position in Havana or Cuba? If so, what office or position? Did he act in any public capacity? Is so, in what capacity? State to the best of your knowledge and belief, and give your means of information.

To the fifth interrogatory deponent answers that he has no knowledge that the person who appointed him to the command of the "Wren" held any public office or position in Havana or Cuba, other than that of an authorized merchant. He has no knowledge that such person ever acted in any public capacity; he has no belief that he so acted, and has never been informed that he acted in any public capacity.

The actual words used are true, but signed under protest.

(Signed) EDW'D C. STILES,
Master British Steamer "Wren."

Deposition of James C. Long before W. C. Maloney, Esq., Prize Commissioner at Key West, June 30th, 1865.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer "Wren" at the time of her seizure?

To the first interrogatory he answers that his name is James C. Long; occupation, seaman; place of residence, Tennessee. He was on board the steamer "Wren" at the time of her seizure.

Second Interrogatory. Give the names of all the persons who took part in the seizure of the "Wren" and the dispossession of the master, or who had knowledge of the undertaking before the commencement of its execution?

To the second interrogatory he answers that he does not know the names of all the persons who took part in the seizure of the "Wren." Some of the crew came into deponent's room and made him a prisoner. One was called Dick, and one Jimmy; both of these were firemen; the other two he did not recognize. He does not know who had knowledge of the undertaking before the commencement of its execution.

Third Interrogatory. State the name of the person who appointed Edward C. Stiles to the command of the steamer "Wren." State to the best of your knowledge and belief.

To the third interrogatory he answers he believes that Captain Stiles was appointed to the command of the "Wren" by Mr. C. G. Ramsay, at Havana; he forms this belief from the fact that whenever deponent needed anything for the use of the "Wren" he was generally sent by Captain Stiles to this Mr. Ramsay to obtain it.

Fourth Interrogatory. State in what capacity and by what authority the person who appointed Captain Stiles to the command of the "Wren" acted in making said appointment. State to the best of your knowledge and belief, and give your means of information.

To the fourth interrogatory he answers that he does not know in what capacity or by what authority the person who appointed Cap-

tain Stiles to the command of the "Wren" acted in making the appointment.

Fifth Interrogatory. Did the person who appointed Captain Stiles to the command of the Wren, on the day of the appointment or previously, hold any public office or position in Havana or Cuba? If so, what office or position? Did he act in any public capacity? If so, in what capacity? State to the best of your knowledge and belief, and give your means of information.

To the fifth interrogatory he answers that he does not know if the person who appointed Captain Stiles to the command of the Wren, at the time of the appointment or previously, held any public office or position in Havana or Cuba.

(Signed) JAS. C. LONG.

Deposition of Thomas V. Jones before W. C. Maloney, Esq., Prize Commissioner at Key West, June 30th, 1865.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer Wren at the time of her seizure?

To the first interrogatory he answers that his name is Thomas V. Jones; occupation, seaman; resides in Liverpool. Was on board the Wren at the time of her seizure.

Second Interrogatory. Give the names of all the persons who took part in the seizure of the Wren and the dispossession of the master, or who had knowledge of the undertaking before the commencement of its execution.

To the second interrogatory he answers Mr. Gilley, Mr. Hamilton, and several others whose names he does not know, took part in the seizure of the Wren. Three persons came to deponent's room and made him a prisoner; one of these persons is called Dick, and one Scottie; the other person he does not know by name; all three are firemen on the ship.

Third Interrogatory. State the name of the person who appointed Edward C. Stiles to the command of the steamer Wren. State to the best of your knowledge and belief.

To the third interrogatory he answers that he does not know the name of the person who appointed Cap. Stiles to the command of the Wren. Has heard Captain Stiles say that he was appointed by Mr. Ramsay; this remark of Captain Stiles was made since the Wren was brought into Key West, and had reference to the testimony in this case taken before the prize commissioner.

Fourth Interrogatory. State in what capacity and by what authority the person who appointed Captain Stiles to the command of the Wren acted in making said appointment. State to the best of your knowledge and belief, and give your means of information.

To the fourth interrogatory he answers that he does not know.

Fifth Interrogatory. Did the person who appointed Captain Stiles to the command of the Wren, on the day of appointment or previously, hold any public office or position in Havana or Cuba? If so, what office or position? Did he act in any public capacity? If so, in what capacity? State to the best of your knowledge and belief, and give your means of information.

To the fifth interrogatory he answers that he does not know.

(Signed) T. V. JONES.

Deposition of Charles W. Gilley before W. C Maloney, Esq., Prize Commissioner at Key West, June 30th, 1865.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer Wren at the time of her seizure?

To the first interrogatory he answers that his name is Charles W. Gilley; occupation, shipmaster; residence, Baltimore, Maryland, and was on board the Wren at the time of her seizure.

Second Interrogatory. Give the names of all persons who took part in the seizure of the Wren and the dispossession of the master; or who had knowledge of the undertaking before the commencement of its execution.

To the second interrogatory he answers that himself and Patrick Hamilton, John Francis Howard, Robert Carston, Charles Davis, Owen Farley, Louis Vernell, Peter Colley, Peter Murray, and Edward Farley were all the persons who took part in the seizure of the Wren and the dispossession of the master. No other person to his knowledge had knowledge of the undertaking before the commencement of its execution.

(Signed) C. W. GILLEY.

Deposition of John Francis Howard before W. C. Maloney, Esq., Prize Commissioner at Key West, June 30th, 1865.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer Wren at the time of the seizure?

To the first interrogatory he answers that his name is John Francis Howard; occupation, seaman; residence, Washington City, D. C. Was on board the Wren at the time of her seizure.

Second Interrogatory. Give the names of all the persons who took part in the seizure of the Wren and the dispossession of the master, or who had knowledge of the undertaking before the commencement of its execution?

To the second interrogatory he answers that himself, Charles Gil ley, Patrick Hamilton, Peter Murray, Edward Farley, Owen Farley, Charles Davis, Peter Colley, Louis Vernell, Richard Carston, were all the persons who took part in the seizure of the Wren and the dispossession of the master. He believes that no other persons on board had knowledge of the undertaking before the commencement of its execution.

(Signed) JOHN FRANCIS HOWARD.

Deposition of Patrick Hamilton before W. C. Maloney, Esq., Prize Commissioner at Key West, June 30th, 1865.

First Interrogatory. What is your name, occupation, and place of residence? Were you on board the steamer Wren at the time of her seizure?

To the first interrogatory he answers that his name is Patrick Hamilton; occupation, a steamboat man; residence, Mobile, Alabama; and was on board the Wren at the time of her seizure.

Second Interrogatory. Give the names of all the persons who took part in the seizure of the Wren and the dispossession of the master, or who had knowledge of the undertaking before the commencement of its execution.

To the second interrogatory he answers that himself, Captain Gilley, Mr. Howard, Mr. Carston, Mr. Davis, Peter Colley, Ned Farley, and Owen Farley, Peter Murray, and Louis Vernell were all the persons who took part in the seizure of the Wren. He believes that the knowledge of the undertaking was confined to the above-named persons on board the Wren before its commencement.

(Signed) P. HAMILTON.

District Court of the United States for the Southern District of Florida.

I, George D. Allen, Clerk of the District Court of the United States for the Southern District of Florida, do hereby certify that the foregoing document, hereunto annexed, is a correct transcript of record of this Court in the cause of The United States *vs.* The Steamer Wren and cargo, Edw'd Stiles, claimant, lately adjudicated in this Court, as appears from the admiralty records and files of said Court, kept in my office, and original papers transmitted pursuant to order of said Court.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said Court at Key West, in the Southern District

of Florida, this fourth day of October, in the year of our Lord one thousand eight hundred and sixty-five, and Independence of the United States the 90th.

GEORGE D. ALLEN, *Clerk.*

(ENDORSED.)

Supreme Court of the United States, No. 101. The Steamship Wren and cargo, Edward C. Stiles, Master and Claimant, Appellant, *vs.* The United States. Appeal from the District Court of the United States for the Southern District of Florida. Filed February 7, 1866.

In the Supreme Court of the United States.

December Term, 1867.

STEAMSHIP WREN AND CARGO *vs.* UNITED STATES. } No. 101.

Appeal from United States District Court for Southern District of Florida.

THE CASE.

This vessel was seized and captured upon the high seas on the 13th of June, 1865, by non-commissioned captors, and carried into the port of Key West, and on the 16th of June was libelled, with the cargo on board, as prize of war in the District Court for the Southern District of Florida.

On the 26th of June, Edward C Stiles, the master, filed a claim for the steamship on behalf, and as the alleged property, of John Laird, "a lawful British subject," averring that Laird "and no other person is the owner thereof, as appears by the register of the said steamer, now in the possession of the Court, and as he is informed and believes." (Rec., p. 3.) The claim further stated that the steamer had no cargo on board when seized.

The circumstances of the seizure were stated by Stiles in an affidavit accompanying the claim, thus:

"On the 12th of June, 1865, the said steamer left the port of Havana, bound to Liverpool, via Halifax; that while on the voyage to the said port, about 1½ o'clock A. M., June 13th, a portion of the crew

of the said steamer mutinied, and the claimant was put in irons by the mutineers, two of whom entered his room when he was asleep and overpowered him: that this claimant and the said steamer were then brought into the port of Key West, where she was delivered over to the Prize Court by a Mr. Gilley, who at the same time took from the person of this claimant the ship's papers," etc. (Rec., p. 3.)

After a hearing upon the testimony in *preparatorio*, and the papers found on board the vessel, the Court, on August 15th, 1865, condemned vessel and cargo as, at the time of capture, "the property of enemies of the United States." (Rec., p. 6.)

From this decree the claimant prayed, and was allowed, an appeal to this Court. (Rec. p. 7.)

THE FACTS.

1. It appears that in the month of June, 1865, while the steamer was lying at Havana, a number of persons, loyal citizens of the United States, believing that she was owned by the Confederate Government, formed a plan and entered into an agreement for her subduction, capture and delivery into the possession of the United States authorities. These persons accordingly joined the ship's company, in various capacities, and left the port of Havana on board of her.

On the morning of the 13th of June, 1865, before daylight, they rose and took forcible possession of the steamer on the high seas, in latitude 26 deg., longitude 79 deg. 40 min., and navigated herinto the port of Key West, where they anchored her under the guns of Fort Taylor. They secured the papers on board, and delivered them, with the steamer, her officer and crew, into the custody of the Prize Court.

The men who performed this important and patriotic service were Charles W. Gilley, P. Hamilton, J. Howard, R. Carson, Charles Davis, P. Murray, L. Vernell, P. Colly, C. Folley, and O. Folley. (Rec., p. 9.)

Their act of capture was ratified by the Government of the United States, through the libel filed against the vessel by the law officers at Key West, as lawful prize of war.

2. The proofs show that the Wren was built at Birkenhead, England, in 1864, by Messrs. Laird Bros., and registered at Liverpool, on December 24, 1864, in the name of "John Laird, the younger, of Birkenhead, in the County of Chester, shipbuilder." (Rec., p. 24, 25.)

That she was constructed for the Confederate rebels, and that this register was nothing but a cover of the rebel title, is plain on the face of this record. The Lairds made themselves famous, or rather infamous, during the rebellion, as the builders of the Alabama, and of iron-clad rams for the service of the Confederate Government. Their character in relation to the rebel ship-building interests is established by the judicial records of Great Britain and the diplomatic history of the late contest (Diplomatic Corresp., part 1, pp. 222, 377, 381, 382); and it is a fact of which this Court will take cognizance, and to which

it will give due effect in a case of asserted ownership by that firm, or any of its members, of a vessel found in any way employed or navigated in the interest of their rebel patrons. And such was the predicament of this vessel.

The proofs here show that she was placed, it must have been immediately after she was launched, upon the blockade-running line between Havana and Galveston, carrying arms and munitions of war to the rebel armies in Texas, and returning with cotton in payment for them. (Rec., pp. 15-19.) And during all this period she carried the "Confederate flag." (Rec., p. 21.) This last voyage to Galveston must have been made in April or May of 1865. On that voyage, as appears by the letter of Genr'l Magruder, on page 53 of the record, she carried Blakely guns shipped by the rebel agent, Helm, at Havana. This letter is addressed to the man, "*Comd'r Stiles, C. S. Navy*," who was in command of the Wren when she was seized. Stiles appears to have gone to Galveston on secret public business, in the Steamer Owl (Rec., p. 52), and returned to Havana on board the Wren, bearing the message about the Whitworth guns contained in the Magruder letter referred to.

The Wren must have reached Havana, on this last voyage from Galveston, early in June, 1865. By that time the surrender of the rebel armies had occurred. The "Confederacy" was in its death-throes.

The steamer was accordingly placed, soon afterwards, in the month of June, in command of an officer and agent of the rebel navy and government, to navigate her back to England, beyond the reach of the United States authorities. The officer selected for this purpose was one Edward C. Stiles, whose career, first as an officer of our navy, then as a United States Consul at Vienna, and afterwards as an officer of the rebel army and navy, and secret confidential agent in Europe, at Havana, and in Richmond, of the rebel governmont, is displayed by the papers printed in this record.

The plan was, undoubtedly, so arranged by the rebel agents at Havana, that Stiles might be enabled, in the event of capture on the voyage, to swear that the steamer was the private property of the Lairds. It is said he was appointed to the command by a *Mr. Ramsay*. (Rec., p. 10.) All the other witnesses swear that "Major Helms," who, it is well known, was a military agent of the rebels at Havana, appointed Stiles to the command. (Rec., p. 21.)

If Ramsay had anything to do with this business, his name was, probably, employed by Helms as a means of simulating a private control over the vessel.

With a British flag at the fore, and a Confederate flag in the cabin, the Wren, under Stiles' command, set sail from Havana, bound to Halifax, to land some Southern "passengers," and thence to Liverpool. But fortunately the voyage was brought abruptly to a termination, by the gallant enterprise of a number of men who knew her character, and the object of her flight from Havana. Through their efforts, as before related, she was brought to the present adjudication.

3. The career of Stiles, and his connection with this vessel, de-

serve a separate paragraph in this brief. It is he alone who pretends that Laird, of Birkenhead, owned her. And who is he? The President of the United States, Mr. Van Buren, "reposing special trust and confidence" in his abilities, *patriotism*, valor, and *fidelity*, appointed him, in 1840, a midshipman of the United States Navy. (Rec. p. 29.)

In 1856, President Pierce appointed him United States Consul at Vienna, on the recommendation of President Buchanan, from whose letter it seems he was born in Pennsylvania, and was connected with one of the distinguished families of that State. (Rec. p. 22.)

In 1861, September 25, he obtained from the U. S. Minister at Vienna, J. Glancey Jones, a passport, which requested "all whom it may concern to permit safely and freely to pass, and in case of need to give all lawful aid and protection to Edward C. Stiles, a citizen of the United States," etc. (Rec., p. 33.) This passport was *vised* at the consulate on April 18, 1862. (Rec., p. 34.) Under its protection, Stiles, in breach of his special official oaths of loyalty, and in violation of his duty as a citizen, went at once into the service of the rebel Government, and we find him in London, in November, 1862, negotiating for a gunboat for the rebel navy (Rec., p. 34.), as an agent of the Confederates.

From London he went to Bermuda, in command of the "C. S. S. Justicia," fitted out by the house of S. Isaac, Campbell & Co., who figured in the venture of the Springbok. (5 Wallace, p. 3.) At Bermuda he bought the steamship Cornubia, in his capacity as rebel agent. (Rec. p. 36.) The Cornubia was the property of Thomas Sterling Begbie, the gentleman who chartered the Springbok. (3 Wallace, 3.)

The sale of this vessel was made at London, when Stiles was there, but the delivery occurred at Bermuda.

If she had been captured on the voyage, Begbie would have claimed her. (Rec., p. 37.) This transaction shows how vessels really owned by the rebels were covered by ostensible British titles.

Stiles probably went to Wilmington on the Cornubia. We find him at Richmond on December 24, 1862, and there he received the appointment as captain of artillery on ordnance duty. (Rec., p. 38.)

He returned to Bermuda in the Cornubia, with a cargo of cotton owned by the rebel government. (Rec., p. 39.) In February, 1863, he is in Paris and London, for the purchasing of a vessel suitable for blockade running. (Rec., p. 40.) He finally buys the "Eugenie" from Mr. *Saul Isaac*, one of the firm of Isaac, Campbell & Co. (Rec., 42), and proceeds on her to America, bearing dispatches from A. Dudley Mann to "*the President*," from Brussels. (Rec., p. 41.) At Richmond, on May 21, 1863, he waits upon Jefferson Davis, and is appointed "lieutenant for the war in the Navy of the Confederate States." (Rec., 42.) He takes an oath of allegiance to the Confederacy. (Rec., p. 43.) Wilmington, N. C., he takes command of the "Eugenie," and returns to Bermuda, and there he loads the rebel ship "Harriet Pinckny" for Charleston. In September, 1863, he goes to Europe, by authority of Mallory, rebel secretary, for the purchase of vessels "for the volunteer navy of Virginia." (Rec., p. 45.) From

London he corresponds with John Slidell about the cotton loan, and negotiates with that well-known personage, Thos. Sterling Begbie. (Rec., pp. 46, 47.) He finally buys the steamer Hawk from Begbie and sails for Havana. (Rec., pp. 50, 51, el. seq.)

By authority of C. J. Helm, rebel agent there, he goes to Galveston on the steamer "Owl," in April, 1865, on secret public business, as commander in the C. S. Navy. There he meets the Wren, in command of one Captain Moore, and returns to Havana on board of her. At Havana he is appointed by Helm to take the Wren to Liverpool. Such is, in brief, the career of this man, a violator of every oath of allegiance he ever took; an avowed traitor, not only to his country, but to his State, who had the effrontery to make a claim for this vessel; and he swears that he is "*a subject of Great Britain, and owes allegiance to Queen Victoria!*" (Rec., p. 10.)

FIRST POINT.

It is sufficiently clear, without further elucidation, on the face of the foregoing statement of the facts of the case, that this steamer was the public property of rebel enemies at the time of the capture.

1. The circumstances of her construction, employment, and control, prove this beyond a doubt.

2. There is no oath of proper form and precision, attesting any private proprietorship. Even this man, Stiles, does not affirm absolutely the ownership asserted on behalf of Laird. He swears he derives his knowledge from the *register*, and has no other source of belief on the subject. (See claim, Rec., p. 3, testimony, p. 11.) That of course is not sufficient.

3. The other witnesses swear that Fraser, Trenholm & Co. were the owners. (Rec., p. 18.) They also say that Charles J. Helms, the Havana rebel agent, appointed Stiles to the mastership.

4. Another fact, most important in this connection and completely confirmatory of the view here taken, is that Stiles himself admits that he destroyed, after the capture, a letter to himself from Mr. Helms, *the agent of the vessel*, and an order in his favor for forty pounds, payable to him on the delivery of the ship at Liverpool. (Rec., p. 12, int. 20.) Independently of the effect of this spoliation, as depriving the claimant of further proof, the statement concerning it shows affirmatively that Helms controlled the vessel, and paid for her navigation to Liverpool. The conclusive presumption is that he did so on behalf of his principals, the rebel authorities at Richmond, who must therefore have been the owners.

SECOND POINT.

Independently of any question of ownership, the vessel is confiscable for the breach of blockade on the voyage next preceding that on which she was captured.

The proofs show conclusively that the last voyage before the capture was in May, 1864, from Galveston to Havana, with a cargo of cotton, received in return for the cannon carried on the outward voyage; and this breach of blockade subjected her to lawful capture on the present voyage, and affords a valid legal ground of condemnation.

The Christiansberg, 6 Rob. 376.

THIRD POINT.

The capture was made *nondum cessante bello.*

Whether it was or was not does not matter, as the vessel was public property, and belongs to the United States, independently of title by capture, as part of the military assets of the extinct Confederacy, and the proceeds must be conveyed into the treasury of the United States under the order of a decree of condemnation, or otherwise, of the court having the custody of them.

But, in point of fact, the war was pending on June 13, 1865, though Mr. Stiles says he thought it was over.

It was not till the next year that the President, by his proclamation of April 2, 1866, announced that the insurrection, which *theretofore* existed in the ten States enumerated, had terminated. The insurrectionary *status* of these States continued to exist up to the date of that proclamation. At the date of this capture the blockade of many of the Southern ports was still enforced and maintained, as established in pursuance of the proclamations of 19th and 27th of April, 1861.

On the 23d of June, 1865, the President proclaimed the blockade, thus established, to be rescinded, and declared that they would be open to foreign commerce on the 1st of July of that year. (13 Stats., 768.) And on the next day, the 24th of June, his further proclamation annulled, with certain exceptions, the restrictions theretofore existing upon internal, domestic, and coastwise trade with the States previously declared in insurrection. (Ibid, p. 76.)

It was not till August 29, 1865, that a further proclamation authorized trade in *contraband* articles under the regulations of the Treasury Department; nor was it till December 1, 1865, that the President revoked the suspension of the privilege of the writ of *habeas corpus* in the Northern States, leaving the suspension still in force in the Southern States, under President Lincoln's proclamation of March 3, 1863.

There can be no doubt, therefore, that if the capture was not made *flagrante*, it was made *nondum cessante bello.*

FOURTH POINT.

The capture was valid, although effected by non-commissioned persons; the principle being that if the acts of such captors are adopted by the Government, the property becomes, when condemned,

a *droit* of the Government, and the captors are entitled to an allowance out of the proceeds, within the sound discretion of the court, as salvage.

The Caledonian, 4 Wh., 100.
The Amiable Isabella, 6 ib., 1.
Carrington *vs.* Ins. Co., 8 Pet., 495.
The Dos Hermanos, 10 Wh., 413.

HENRY STANBERY,
Attorney-General.

J. HUBLEY ASHTON,
Special Counsel for the United States.

[Endorsed.]—In the Supreme Court of the United States. December Term, 1867. Steamship *Wren vs. United States*, No. 102. Appeal from Southern District of Florida.—Brief for United States. Henry Stanbery, Attorney-General, J. Hubley Ashton, Special Counsel for United States.

Supreme Court of the United States.

THE STEAMSHIP WREN AND CARGO, EDWARD C. STYLES, MASTER AND CLAIMANT, *Appellant*,
vs.
THE UNITED STATES.

Brief and Points for Appellant.

EDWARDS PIERPONT,
Of Counsel for Appellant.

On the 16th day of June, 1865, the steamship Wren was libelled "as a prize of war," in the District Court of the United States for the Southern District of Florida. (Page 6, fol. 12.)

On the 15th of August, 1865, she was "*condemned as lawful prize of war.*" (Page 6, fol. 12.)

The steamer was built by Messrs. Laird, at Berkenhead, England, in 1864, and her certificate of registry is dated December 24th, 1864, and she was owned by John Laird, of Liverpool (pages 24 and 25, fol. 57); she was never sold or transferred, and was owned by Laird, the younger, on the day of her pretended capture. (Page 10, fol. 22, page 11, fol. 25, page 2, fol. 4, page 13, fol. 29.)

On the 12th day of June, 1865, the steamer left the port of Havana, bound to Liverpool, with regular clearance.

On the morning of the 13th, while the captain was asleep, a part of the crew mutinied, bound the captain and the chief officers, and

run the steamer into Key West, and caused her to be libelled in the Prize Court. (Page 3, fol. 6.) *There was no other capture.*

The steamer had no guns and no cargo whatever. She was on her way, under English colors, from Havana to Liverpool, to be delivered to her owner, Mr. Laird, an Englishman and a British subject.

The crew were regularly shipped at Havana for Liverpool. (Pages 25, 26, 27.)

We believe there is no dispute about the shipment of her crew, her clearance, her destination, or touching any of the facts above stated.

The sole question raised by the record seems to be whether a British steamer—built in the British realm—by British subjects, and by them owned, and sailing under the British flag, on a regular voyage from Havana to Liverpool, *via* Halifax, could be seized by a mutinous crew, taken by the mutineers into Key West, and be there condemned "as lawful prize of war," *in August*, 1865?

For convenience, we print the evidence *verbatim*, upon which we rely.

OWNERSHIP.

Form No. 9 A, steamer.—Certificate of British Registry.

(British Coat of arms.)

Official number of ship, 51,056; port number, 533; date of registry, 24th December, 1864.

Name of ship, *Wren*. British or foreign built, British; built at Birkenhead, in the county of Chester, in 1864; port of registry, Liverpool; how propelled, by paddles; number of decks, one; number of masts, two; rigged, schooner; stern, elliptical; build, clencher; galleries, none; head none; framework, steel.

Page 24, fol. 57.

* * * * * * *

Name and address of engine maker, Messrs. Laird Bros., Birkenhead.

I, the undersigned registrar of the port of Liverpool, hereby certify that the ship, the description of which is prefixed to this my certificate, has been duly surveyed, and that the above description is true; that William Raisbeck, whose certificate of competency is No. 13,028, is the master of the said ship, and that the name, residence, and description of the owner, and number of sixty-fourth shares held by him, are as follows:

Name, residence, and occupation of the owner; John Laird, the younger, of Birkenhead, in the county of Chester, ship builder. Number of sixty-fourth shares, sixty-four (64).

Dated at Liverpool the 24th day of December, one thousand eight hundred and sixty-four.

(Signed) S. RICE EDWARDS,
Registrar.

(Oath of the Captain.)

And now comes Edward C. Stiles, and says, that he is the master of the said steamer *Wren*, and as such is the lawful bailee of said steamer, her tackle, apparel, and furniture, and claims the same for the owner thereof.

And he further says that John Laird, a lawful British subject, residing in England, *is the true and bona fide owner of said steamer, and that no other person is the owner thereof*, as appears by the register of said steamer now in the possession of the Court, and as he is informed and believes.

And he further says that the said steamer had no cargo when seized.

And he further says that he denies that said steamer is a prize of war.

And he further prays restitution of said steamer, her tackle, apparel, and furniture, and that this honorable Court will award such damages as shall appear to have been incurred and suffered by reason of the unlawful seizure and detention of the same, and grant such other and further relief as to the Court may seem meet and just.

And he will ever pray, &c.

(Signed) EDWARD C. STILES,
Master British Steamer Wren.

(Signed) SAMUEL WALKER,
Proctor.

Sworn and subscribed before me this 26th day of June, 1865.

(Signed) GEO. D. ALLEN,
Clerk.

(Page 3, fol. 5.)

3d. To the third interrogatory deponent answers: That on the morning of the thirteenth of June, before daylight, the seizure was made by a portion of his own crew taking possession of the steamer, and placing himself and two of his officers in irons. The steamer was brought into the port of Key West on the evening of the same day; The steamer had no commission or letters authorizing her to make prizes. He considers the seizure a clear case of mutiny.

4th. To the fourth interrogatory deponent answers: The captured vessel sailed under the British colors; does not know what other colors were on board; the third officer had informed him that there was a Confederate flag on board, and he was satisfied that there was such a flag on board. The witness desires to correct the foregoing statement, by saying there was a Confederate flag on board; does not know for what reason the Confederate flag was on board; he did not take it on board, nor did he want it on board.

5th. To the fifth interrogatory deponent answers: That himself and officers were overpowered simultaneously; no further resistance was made, no guns were fired. The capture was not made by any

ship or ships, but by a portion of his own crew; no ships in sight at the time of the capture. The captured vessel was a merchantman, and belonging to one Laird, junior, as he inferred from the register, and was informed.

6th. To the sixth interrogatory deponent answers: The first port the vessel would have entered would have been Halifax if she had not been seized; the second port would have been Liverpool, England. He was employed to take her to Liverpool, England, and should there have delivered her up.

7th. To the seventh interrogatory deponent answers: The vessel taken was named the *Wren*, and Edward C. Stiles, master. He was appointed to the command by Mr. Ramsay, at Havana; has known the vessel about six weeks; is himself the master; the vessel was delivered to deponent by Captain Moore; the fixed place of abode of witness is in England.

8th. To the eighth interrogatory deponent answers: The vessel is about four hundred and fifty tons; is not positive as to the number of the vessel's company; thinks there was thirty-four, and all on board at the time of the seizure; some are Englishman, some are Southerners. They all came on board at Havana; the third officer, the steward, and one boy, deponent believes were in the vessel on a former voyage, and re-shipped for this voyage; the others of the crew came on board at Havana at different times; they were shipped by the Government Shipping Master in Havana, in the month of June, 1865. (Page 11, fol. 32.)

37th. To the thirty-seventh interrogatory deponent answers, that he has no knowledge of any sale of the vessel at any time. He verily believes that if the vessel should be restored, she will belong to Mr. Laird, the asserted owner, and to none others.

39th. To the thirty-ninth interrogatory deponent answers, that he believes the real and true property of the vessel is in Mr. Laird, of Liverpool, and her destination to have been to Liverpool. (Page 13, fol. 26.)

As to Blockade.

21st. To the twenty-first interrogatory deponent answers, that he knew that all the southern ports were blockaded at one time; at the time of the sailing of the vessel on the voyage on which she was seized, he understood that the war was over, and that the blockade had ceased.

22d. To the twenty-second interrogatory deponent answers, neither the port from which the vessel sailed on the voyage on which she was captured nor the port to which she was bound was under an order of blockade by the Government of the United States; heard nothing said of the vessel's breaking any blockade. Page 12, fol. 26.

(From deposition of J. C. Long.)

21st. To the twenty-first interrogatory deponent answers, that he had had knowledge of all the southern ports having been blockaded

at one time, but at the time of leaving on the present voyage, was informed that all those ports were in possession of the forces of the United States. Page 15, fol. 35.

(From deposition of G. R. McGraham, the purser of the vessel.)

21st. To the twenty-first interrogatory deponent answers, that he had known that all the ports of the southern coast had been held under blockade by the naval forces of the United States, but at the commencement of the present voyage he understood that all the ports were then open, and that the blockade had ceased.

22d. To the twenty-second interrogatory deponent answers, neither the port from which the vessel sailed nor the port to which she was bound were under order of blockade by the Government of the United States at the time she sailed or was captured; nothing whatever had been said about the vessel's breaking any blockade on the voyage on which she was captured by any person, or visting any intermediate port, and thence breaking any blockade. Page 19, fol. 43.

6th. To the sixth interrogatory deponent answers, the first port which the vessel would have entered if she had not been seized, would have been Halifax; the second port Liverpool; her voyage would have terminated there. Page 17, fol. 39.

8th. To the eighth interrogatory deponent answers, that he does not know the tonnage or burden of the vessel; does not know the number of the vessel's company, nor the actual number on board at the time of capture, nor what countrymen they are; all came on board at Havana; believes they were hired by C. G. Ramsay, at Havana; the terms of the shipping agreement was for a voyage from Havana to Liverpool, for the sums set opposite to the respective names, varying according to the station of the party; he was not on pay; and believes the shipping agreement was absolute, and that no other or greater compensation was to have been allowed for the voyage.

9th. To the ninth interrogatory deponent answers, that he belonged to the company of the vessel in the capacity of purser; he had no interest or share in the vessel; nor does he know or believe that any other person on board had any share or interest in said vessel; the vessel was without cargo.

10th. To the tenth interrogatory deponent answers, he has known the vessel about two weeks; first saw her in Havana; carried no guns; believes she is English built; has only known her by the name of the Wren; had never heard of her having any other name. (Page 18 fol. 41.)

3d. To the third interrogatory deponent answers, that the capture was made at sea, on the morning of the thirteenth of June; was carried into the port of Key West; the vessel had no commission or letters authorizing her to make prizes, to his knowledge; he does not know for what reason or on what pretence the capture was made.

4th. To the fourth interrogatory deponent answers, the captured vessel sailed under British colors; he saw no other colors until the

vessel arrived in this port; saw then a Confederate flag; does not know for what reason she had such other colors.

5th. To the fifth interregatory deponent answers, there was no resistance made at the time of capture; no guns were fired; the capture was not made by any ship or ships, but was made by a portion of the crew rising upon the master and officers of the vessel, and taking forcible possession; the captured vessel was a merchantman. Page 17, fol. 39.

(The shipping articles are at pages 26 and 27.)

(As to appointment of the Master.)

Third Interrogatory.—State the name of the person who appointed Edward C. Stiles to the command of the steamer Wren? State to the best of your knowledge and belief.

To the third interrogatory deponent answers: deponent was appointed to the command of the Wren by Mr. C. G. Ramsay, of Havana.

Fourth Interrogatory.—State in what capacity and by what authority the person who appointed Captain Stiles to the command of the Wren acted in making said appointment. State to the best of your knowledge and belief, and give your means of information.

To the fourth interrogatory deponent answers: That he believes that Mr. Ramsay acted in the capacity of agent for the Wren at Havana, and by that authority appointed deponent to the command of the Wren. The deponent's means of information in regard to Mr. Ramsey being the agent of the Wren at Havana, is derived from the fact that Mr. Ramsay gave him a letter to the British Consul, requesting the Consul to consider deponent as the master of the Wren; he has no other means of information on the subject.

Fifth Interrogatory.—Did the person who appointed Captain Stiles to the command of the Wren, on the day of the appointment, or previously, hold any public office or position in Havana or Cuba? If so, what office or position? Did he act in any public capacity? If so, what capacity? State to the best of your knowledge and belief, and give your means of information?

To the fifth interrogatory deponent answers: He has no knowledge that the person who appointed him to the command of the Wren held any public office or position in Havana or Cuba, other than that of authorized merchant. He has no knowledge that such person ever acted in any public capacity. He has no belief that he so acted, and has never been informed that he acted in any public capacity.

The actual words used are true, but signed under protest.

(Signed) EDW'D. C. STILES,
Master of British Steamer Wren.

Page 67, fol. 147.

(Deposition of Jones.)

Third Interrogatoty.—State the name of the person who appointed Edward C. Stiles to the command of the steamer Wren. State to the best of your knowledge and belief.

To the third interrogatory he answers: He believes that Captain Stiles was appointed to the command of the Wren by . . G. Ramsay, at Havana. He forms his belief from the fact that whenever deponent needed anything for the use of the Wren he was generally sent by Captain Stiles to this Mr. Ramsay to obtain it. Page 69 to 149.

Deposition of T. V. Jones to the same effect. Page 70, fol. 151.

POINTS.

First Point.—Take this record and change nothing but the year, making the date of the libel and decree June 16th and August 15th, 1867, instead of 1865, and the Court could not hesitate to declare that such decree of condemnation of the steamer "*as prize of war*" would be totally illegal.

If a mutinous crew of an English vessel on her voyage from Havana to Liverpool could bring such vessel into Key West, and get her condemned in a Prize Court as a "*prize of war*" at this time, the decree would be absurd.

Second Point.—We submit that this decree should be reversed, as having no foundation in any law whatever.

This Court will not tolerate an argument for the purpose of proving that a neutral ships, sailing between neutral ports without arms or cargo, could have been condemned "*as lawful prize of war*," at the instance of a band of mutineers who had seized the ship and brought her within our territory, even when the war was flagrant.

Third Point.—There must be actual war, or there can be no "prize of war" (2 Black, 635, Prize Cases); and during actual war there can be no condemnation of a neutral vessel as "lawful prize of war," unless the neutral vessel is taken *in delicto*.

If the neutral vessel runs the blockade and returns, she ceases to be *in delicto* the moment she completes her return voyage.

(Wheaton on Captures, p. 306, 307.)
Haslett *v.* Roche, Mar. Warfare, p. 175.
The Mentor, 1 C. Rob., 179.
Chitty's Law of Nations, p. 145, 146.
1 Duer on Ins., p. 88.
Woolsey on Int. Law, Sec. 1, 88, Sec. Ed.
1 Kent's Com., 152.
The Rosalie and Betty, 2 Rob. R., 343.
The Nancy, 3 Rob. R., 122.
Carrington *v.* The Merchants' Ins. Co., 8 Peters, 495.
The Lisette, 6 Rob. R., 387.
The Hoffnung, 6 Rob. R., 112.
Williams *v.* Smith, 2 Caines's R., 1.

If the steamer had gone from Liverpool to Charleston during the blockade, and returned to Liverpool in safety, and had after that cleared from Liverpool for Malta, she could not have been taken on such voyage by mutinous crew or by ship-of-war, and have been condemned in our Admiralty as "lawful prize of war." The steamer was a neutral merchantman, on a lawful voyage between neutral ports, under regular clearance, under neutral colors, and violating no laws of nations.

Fourth Point.—If a ship should be seized to-day in the same manner and under the same circumstances as this steamer was seized, the act would be mere piracy—robbing on the high seas.

The seizure by violence of another's property is abhorrent to peaceful law, and has no justification save in dire necessity—the sole right is the *jus belli*—and there is no such thing as "jus belli" where there is no *bellum*—the *jus belli* does not exist before the war; it ceases the moment the war is ended; it is the right of violence; never to be extended—its *termini* should not be widened.

On the 16th of June, 1865, when this libel was filed, there was no war.

War is a *fact*, too substantial to be created or destroyed by wordy proclamations.

In the prize cases (2 Black, 667,) the Court say: "As civil war is never publicly proclaimed, *eo nomine*, against insurgents, its actual existence is a *fact* in our domestic history which the Court is *bound to notice and to know.*"

If the President should to-day proclaim that war exists between the United States and the six New England States, it would not change the fact, which is, that there is profound peace; and if at mutinous crew of a vessel, on her voyage between Boston and Havana, should bring her into Florida and get her condemned as "lawful prize of war," your Honors would not affirm such decree.

And if President Lincoln had proclaimed in June, 1864, tha peace was restored, the *fact* of war, grim and terrible, would, nevertheless have been recognized by all.

As "the *existence* of war is a fact which the Court is bound to notice and to know," so the *cessation* of war is equally a *fact* "which the Court is bound to notice and to know."

The war, *as a fact*, ceased many weeks before the 16th of June, 1865.

General Lee surrendered April 9th, 1865.

Kirby Smith and General Johnson surrendered the same month.

Jefferson Davis was captured on the 10th of May, 1865.

Surely there was no war after that.

If anything more is required, the proclamation of the Executive will aid in solving the question.

On the 10th of May, 1865, the President issued the following proclamation:

"*Whereas*, the President of the United States, by his proclamation of the 19th day of April, 1861, did declare certain States therein

mentioned in insurrection against the government of the United States:

"*And whereas*, armed resistance to the authority of this Government, in the Insurrectionary States, *may be regarded as virtually at an end*, and the persons by whom that resistance, as well as the operations of 'insurgent cruisers,' was directed, are '*fugitives* or *captives*.'"

U. S. Stat., Vol. 13, p. 757.

Key West, in the State of Florida, was declared an open port April 11, 1865. U. S. Stat., Vol. 13, p. 754.

Fifth Point.—The decree (page 6) states that the steamer Wren was "the property of the enemies of the United States" and "condemned" as "lawful prize of war."

We are not advised by any finding of the Court, who were regarded as the owners of the steamer or who were "*the enemies*" mentioned. But the evidence in the case proves, beyond all dispute, that the steamer was built in England (only a few months before her condemnation), by British subjects, and that she was owned in England by an Englishman, and that she had never been owned by any one else. (See the evidence before cited.)

British subjects were not (in any legal sense) enemies of the United States.

Sixth Point.—There is not a particle of evidence to show that the steamer was ever enemies' property; but the evidence is conclusive that she was at all times the property of a British neutral. (See the evidence cited.)

Seventh Point.—Even if she had been the property of Jeff. Davis or of his government, she could not have been lawfully seized and condemned as "prize of war" at the dates mentioned—the war having ended before the seizure.

"Prize of war" comes of war and of war alone.

If a steamer, which formerly beloned to the Confederates, should clear to-day for Liverool from Havana, could she *now* be captured by a mutinous crew and condemned as "prize of war?"

There can be no "prize of war" except during actual war.

Eighth Point.—The steamer was never captured by the United States, nor by any one authorized by the United States. The crew mutinied while the vessel was on a peaceful and lawful voyage, and undertook to profit by their crime—the United States never sanctioned the infamous act—and the condemnation was, for this additional reason, unlawful.

The *Cape of Good Hope*, 2 C. Rob., 292, and cases in Note, p. 285.
Upton on Maritime Warfare, p. 118.
Vattel, Book 3, ch. 15, Sec. 223.
2 Kent Com., 94 to 97.
The *Helen*, 3 C. Rob., 225.
Haslett and Roche, p. 98 and 300.

Ninth Point.—We submit that this is a clear case where the decree below should be reversed, and restitution ordered; and that the grounds are much stronger than in the case of *Sir William Peel*, 5 Wallace, 517, or in The U. S. *vs.* Weed, 5 Wallace, 73.

EDWARDS PIERREPONT,
Of Counsel for Claimant.

I, D. W. Middleton, clerk of the Supreme Court of the United States, do hereby certify that the printed documents hereto annexed, contain true copies of the transcript of the record, and briefs of counsel for the respective parties, in the case of The Steamship Wren and Cargo, Appt. *vs.* The United States, No. 101 of December Term, 1867, as the same remain upon the files of the said Supreme Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of the said Supreme Court, at the City of Washington, this 22d day of December, 1870.

D. W. MIDDLETON,
Clerk Sup. Court U. S.

(ENDORSED.)

U. S. Supreme Court—The S. S. Wren, &c., *vs.* The United States. Appeal Papers.

District Court of the United States, Southern District of Florida.

In Admiralty.

THE UNITED STATES *vs.* THE STEAMER WREN. } Prize.

Afterwards to wit: On the sixteenth day of October, in said year, (A. D. 1865) a writ of *venditioni exponas* was issued to the Marshal for this District, commanding him to cause the said steamer the Wren, her tackle, apparel, furniture, and cargo, to be sold in the manner and form, upon the notice by the law required, and to deposit the proceeds of such sales with the assistant Treasurer of the United States, subject to the order of this Court.

Afterwards to wit: On the twenty-sixth day of September, 1868, the Marshal returns his account sales in this case, showing the proceeds of sale of said steamship Wren, her tackle, &c., and her cargo, to be the sum of thirty-seven thousand one hundred and eight $\frac{50}{100}$ dollars ($37,108 $\frac{50}{100}$), and that the said proceeds of sale had been deposited with the Assistant Treasurer of the United States, at New York, as required by law.

Afterwards to wit: On the 13th day of April, 1869, the mandate of the Supreme Court of the United States is filed herein, in the words and figures following to wit:

United States of America, *ss.*

The President of the United States of America, to the Honorable the Judges of the District Court of the United States, for the Southern District of Florida,

GREETING:

Whereas, lately in the District Court of the United States, for the Southern District of Florida, before you, in a cause between The United States, Libellants, and the steamer Wren and cargo, and E. C. Stiles, Claimant, respondents, wherein the decree of the said District Court, entered on the fifteenth day of August, A. D., 1865, in the following words, viz.:

It is now ordered, adjudged and decreed, that the said steamer Wren, her tackle, apparel, furniture, and cargo, be comdemned, and forfeited to the United States as lawful prize of war.

And it is further ordered, that the clerk of this Court issue a writ of *venditioni exponas* to the Marshal of the District, for the sale of said steamer Wren, her tackle, apparel, furniture, and cargo, and that the Marshal make return of sale and expenses to this Court, and deposit the proceeds of such sale with the Assistant Treasurer of the United States subject to the order of this Court, as required by law, as by the inspection of the transcript of the record of the said District Court, which was brought into the Supreme Court of the United States by virtue of an appeal, agreeably to an act of Congress in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and sixty-seven, the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by Counsel.

On consideration whereof, it is now here ordered, adjudged, and decreed by this Court, that the decree of the said District Court in this cause be and the same is hereby reversed.

And it is further ordered, that this cause be and the same is hereby remanded to the said District Court, with directions to restore the vessel and cargo to the claimant without costs. 23 Mar.

You, therefore, are hereby commanded that such further proceedings be had in said cause in conformity to the opinion and decree of this Court, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

Witness the Honorable Salomon P. Chase, Chief-Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and sixty-seven.

(S'd) D. W. MIDDLETON,
Clerk of the Supreme Court of the United States.

And on the same day last aforesaid, F. A. Dockray, Esquire, files herein a duly certified copy of a power of attorney from Messrs. Laird & Stiles, to Messrs. Foster & Thomson, of New York, solicitors, in the words and figures following, to wit:

Know all men by these presents, that we, John Laird, the younger, of Birkenhead, in the County of Chester, shipbuilder, and Edward Copeland Stiles, of 14 Delamere street, Upper Westbourne Terrace, London, master mariner, do by these presents nominate, constitute and appoint J. P. Girard Foster and James Thomson, both of New York, in the United States of America, solicitors, jointly and each of them severally to be the true and lawful Attorneys and Attorney of us, and of each of us, for us and each of us, and in our and each of our names or name, or otherwise, to receive and collect from the United States Government, or any branch or officer thereof, or any depository thereof, any and all moneys, the avails or proceeds of the sale of the steamer "Wren" and her cargo, sold under decree of the District or Circuit Court of the United States, at Key West, in the Southern District of Florida, by the Marshal of the United States for the said District, the said decree having been reversed by the Supreme Court of the United States on appeal, and this power having been given to our said Attorneys for receiving restitution of the avails of the said steamer "Wren" and cargo, with full power to give any receipts or discharges for the same, and generally to make, do, and execute all such further and other acts, deeds, matters and things in the premises as amply as we or either of us could do if personally present, and one or more Attorneys or Attorney under them or him from time to time to substitute and appoint, and such appointments at pleasure to revoke, and another or others again to substitute and appoint, we and each of us hereby binding ourselves, and each of us to ratify and confirm whatever shall be lawfully done by our said Attorneys or either of them by virtue hereof.

In witness whereof we have hereunto set our hands and seal, this second day of July, one thousand eight hundred and sixty-eight.

(S'd) JOHN LAIRD, JR. [L. S.]
EDW'D C. STILES. [L. S.]

Signed, sealed and delivered by the above-named John Laird, the younger, in the presence of

(S'd) WM. STONE, *Atty. at Law*,
Liverpool.

Signed, sealed and delivered by the above Edward C. Stiles, in the presence of

(S'd) E. L. ROWCLIFFE, *Solicitor*,
1 Bedford Row, London.

I, William Henry Fletcher, Notary Public by Royal authority, admitted and sworn, practicing in Liverpool, in the County of Lancaster, in England, do hereby certify and attest unto all it shall or may concern, that the signature "John Laird, Jr.," set and subscribed opposite the first seal at foot of the power of Attorney hereunto annexed, is the real signature and proper handwriting of John Laird,

the younger, therein named and described, who signed the same in my presence, and in presence of Wm. Stone, Esquire, Attorney at Law, Liverpool.

Whereof an act being required, I, the said Notary, have granted these presents under my Notarial form and seal of office, to serve and avail as occasion shall or may require. Done and passed in Liverpool, this fourth day of July, one thousand eight hundred and sixty-eight.

In testimonium veritatis,

(S'd) W. HENRY FLETCHER,
Notary Public.

[Notarial seal.]

I, the undersigned Consul of the United States of America, for the port of Liverpool and its dependencies, do certify and make known to whom these presents shall come, that

William H. Fletcher, whose true signature and Notarial seal are subscribed and affixed to the annexed certificate, is a Notary Public, duly authorized, admitted and sworn, residing and practising in Liverpool, to whose acts as such full faith and credit are due.

Given under my hand and seal of office, at Liverpool, the 8th day of July, and year of our Lord one thousand eight hundred and sixty-eight.

[Consular seal.] (S'd.)

I, John Newton, Notary Public by Royal authority, admitted and sworn, practicing in London, do hereby certify and attest unto all whom it shall or may concern, that the signature "Edw'd C. Stiles," set and subscribed opposite the second seal at foot of the Power of Attorney hereunto annexed, is the real signature and proper handwriting of Edward Copeland Stiles therein named and described, who signed the same in my presence and in presence of E. S. Roweliffe, Esquire, Solicitor, No. 1 Bradford Row, London.

Whereof an act being required, I, the said Notary, have granted these presents under my Notarial form and seal of office, to serve and avail as occasion shall or may require.

Done and passed in London, this second day of July, one thousand eight hundred and sixty-eight.

I testimonium veritatis,

(S'd) JOHN NEWTON,
[Notarial seal.] *Not'y Public.*

Consulate of the United States of America at London.

I, Freeman H. Morse, Consul of the United States of America for London and the dependencies thereof, do hereby make known and certify to all whom it may concern, that John Newton, who hath signed the annexed certificate, is a Notary Public, duly admitted and sworn and practicing in the City of London aforesaid, and that to all

acts by him so done, full faith and credit are and ought to be given in judicature and thereout.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Consulate of the United States at London aforesaid, this second day of July, in the year of our Lord one thousand eight hundred and sixty-eight, and in the ninety-second year of the Independence of the United States.

[Consulate seal.] (S'd) F. H. MORSE.

United States of America.

State of New York, ss.

In this public instrument be it known to all whom the same doth or may in any wise concern, that I, Thomas C. Ingersoll, of the City of New York, a Public Notary in and for the State of New York by letters patent under the great seal of the said State, duly commissioned and sworn, do hereby certify that I have collated and carefully compared the annexed Power of Attorney and certificates attached with the original power and certificates, and find them to be true and faithful copies of such originals respectively, and in every respect to correspond therewith.

In testimony whereof, I have subscribed my name and caused my Notarial seal of office to be hereunto affixed, the twenty-fifth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

THOMAS C. INGERSOLL,

[Notarial seal.] *Notary Public, New York County.*

And on the eighth day of May, in the year last aforesaid (A. D. 1869), F. A. Dockray, Esquire, Attorney aforesaid, moves the Court for a final decree in the words and figures following, to wit:

District Court of the United States, Southern District of Florida, ss.
In Admiralty.

THE UNITED STATES
vs.
THE STEAMER "WREN,"
JOHN LAIRD, *Claimant.*
} Prize.

And now comes F. A. Dockray, Attorney and Proctor for John Laird, Claimant herein, and exhibits to this Court the mandate of the Supreme Court of the U. S. issued in the above entitled cause, on appeal thereto from the decree of this Court, and moves the Court for a final decree in accordance with the requirements of said mandate.

(S'd) F. A. DOCKRAY,
Attorney and Proctor for John Laird, Claimant.

Whereupon on the tenth day of May last aforesaid, the following decree was made and entered in this cause, to wit:

In the District Court of the U. S., Southern District of Florida,
In Admiralty.

THE UNITED STATES
vs.
THE STEAMER "WREN."
JOHN LAIRD, *Claimant.*
} Prize.

A final degree of condemnation and forfeiture of the Steamer Wren having been pronounced in this cause, and an appeal having been taken to the Supreme Court of the United States, and the final degree having been reversed, and the property ordered to be restored to the Claimant herein, and the mandate of the Supreme Court having been filed in this Court, and it further appearing that the costs, charges, and expenses in this proceeding, amounting to the sum of five thousand six hundred and sixty-six dollars and eighty-eight cents ($5,666.88), have been taxed and paid to the officers of the Court severally entitled thereto, out of the proceeds of the sale of the Steamer Wren. Now, therefore, on motion of F. A. Dockray, Attorney and Proctor of John Laird, Claimant—

It is ordered, adjudged, and decreed that the remainder of the proceeds of the Str. Wren, amounting to the sum of thirty-one thousand four hundred and forty-one dollars and sixty-two cents ($31,441.62), now on deposit with the Assistant Treasurer of the United States at New York, and subject to the order of the Court, be paid to the said John Laird, claimant.

And it further appearing to this court that Foster & Thomson, of the city of New York, are the lawfully authorized attorneys in fact of the said John Laird, claimant—

It is ordered, adjudged, and decreed, that the said proceeds be paid to the said Foster & Thomson.

(S'd.) THOS. J. BOYNTON, Judge.

Wherepon checks No. 199 for $29,869.62, and No. 200 for $1,572.00 were drawn in favor of Foster & Thomson of New York, attorneys for Laird and Stiles, as against the proceeds of Steamer Wren, on deposit with the Assistant Treasurer of the United States at New York, which checks were delivered to F. A. Dockray, Esquire, attorney for Foster & Thomson, and attorney in fact for John Laird, and his receipt therefor taken, in the words and figures following, to wit:

In the District Court of the U. S., Southern District of Florida.
In Admiralty.

THE UNITED STATES
vs.
STEAMER "WREN."
JOHN LAIRD, *Claimant.*
} Prize.

($31,441.62.)

Received of the Hon. Thos. J. Boynton, U. S. Judge Southern District of Florida, his check for the sum of fifteen hundred and seventy–two dollars. Also his check for the sum of twenty-nine thousand eight hundred and sixty–nine and 63-100 dollars, drawn on the Assistant Treasurer of the U. S. at New York, and payable to the order of Foster & Thomson.

(S'd) F. A. DOCKRAY,
Att'y for Foster & Thomson,
Attorney in fact for John Laird, Claimant.

United States of America.

United States District Court, Southern District of Florida.
In Admiralty.

I, Eugene O. Locke, Clerk of the District Court of the United States for the Southern District of Florida, do hereby certify that the foregoing twelve pages contain a true copy of record of proceedings in Admiralty, and of papers on file in my office in the case of—

THE UNITED STATES
vs.
THE STEAMER "WREN."
} Prize.

lately adjudicated in this Court, and subsequent to the time of sending the transcript of record and papers to the Supreme Court.

In testimony whereof I have hereunto set my hand and the seal of said Court at Key West, this ninth day of March, in the year one thousand eight hundred and seventy two, and Independence of the United States the ninety-sixth.

EUGENE O. LOCKE,
Clerk.

United States of America, Southern District of Florida.

I, Jas. W. Locke, Judge of the District Court of the United States, for the said District, do hereby certify that Eugene O. Locke is clerk of said Court, that full faith and credit are and ought to be given to his attestations as such, and that the preceding record, and the said clerk's certificate thereto, are in due form of law.

Given under my hand, at Key West, in said District, the eighth day of March, A. D., 1872.

JAS. W. LOCKE,
U. S. D. Judge.

(ENDORSED.)

U. S. District Court Southern District of Florida.—The United States *vs.* the steamer Wren—Copy Prize Record.

United States of America. District Court of the United States. Southern District of Florida.—In Admiralty.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.
Respondent.
} Spoliation.

Be it remembered that on the 28th day of December, in the year of our Lord one thousand eight hundred and sixty-eight, John N. Cushing and others, by Winer Bethel and S. R. Mallory, Esquires, their Proctors and Advocates, filed in the office of the clerk of said Court, their libel against John Laird, the younger, in a cause of spoliation and damage, in a cause of salvage, civil maritime, in the words and figures following, to wit:

In the District Court of the United States, for the Southern District of Florida.

In Admiralty.

John N. Cushing and William Cushing, executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administrator of Thos. Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executor of William Pritchard, deceased, *vs.* John Laird, the younger. Spoliation and damage

To the Honorable Thomas J. Boynton, Judge of the District Court of the United States, for the Southern District of Florida.

John N. Cushing and William Cushing, of Newburyport, in the commonwealth of Massachussetts, merchants, executors of the last will and testament of Nicholas Johnson, deceased, Mary A. Johnson,

executor of the last will and testament of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of the goods, chattels, and credits of Thomas Pritchard, the younger, deceased, and Elizabeth H. Pritchard, executrix of the last will and testament of William Pritchard, deceased, all of the said city of Newburyport, in the Commonwealth of Massachusetts, gentlewomen, exhibit this their libel against John Laird, the younger, of Birkenhead, in the Kingdom of England, shipbuilder, in a cause of spoliation and damage, civil and maritime.

And thereupon the said libellants allege and articulately propound as follows, to wit:

First. That at and before the time of the several trespasses hereinafter mentioned, the respective testators and intestate of said libellants were true and lawful owners of one half of the ship "Sonora," a duly registered American ship, in the proportions following, that is to say; the said Nicholas Johnson was the owner of five thirty-seconds of said ship; the said Henry Johnson was the owner of five thirty-seconds of said ship; the said Thomas Pritchard, the younger, was the owner of five thirty-seconds of said ship, and the said William Pritchard was the owner of one thirty-second of said ship.

Second. That heretofore, or on or about the twenty-sixth day of December, which was in the year one thousand eight hundred and sixty three, the said ship was on a lawful voyage from Hong Kong in China, bound to Akyab in British India, under charter to C. F Weber and Company, of London, England, to load at Akyab aforesaid, with merchandise for Europe.

Third. That on the day and year aforesaid, to wit, the twenty-sixth day of December, A. D., 1863, the said ship then being on the high seas, and within the flux and reflux thereof, and engaged in the peaceable prosecution of a lawful voyage as aforesaid, in latitude 3° North, and longitude 101° East, or thereabouts, in the Straits of Malacca, was overtaken by a certain armed vessel called the "Alabama," theretofore by the said John Laird, the younger, wrongfully, and in direct violation of the laws of the Kingdom of Great Britain, built, fitted out, and equipped, for the purpose of preying upon, and piratically destroying vessels and property of citizens of these United States, and at that time, as these libellants are informed and believe, purporting to be commanded by one Raphael Semmes.

Fourth. That the said Semmes thereupon, against the protests and remonstrances of Lawrence W. Brown, the master of the said ship Sonora, with violence and force of armed men, the said piratical vessel, the Alabama, or however otherwise designated, lying within gunshot, and the crew of the said ship Sonora being unarmed, and resistance being impracticable, took possession of the said ship Sonora, plundered, and then burned and utterly destroyed her.

Fifth. That by reason of the said acts of plunderage and violence committed by the said armed, piratical cruiser, called the Alabama, so built, fitted out, and equipped, by the said John Laird, the younger, of Birkenhead, England, ship builder, in violation of law, and with the intent and purpose that she should be engaged in acts of piracy, plunder, and destruction on the high seas, to the wrong, pre-

judice and damage of peaceful men engaged in lawfully navigating the same, with their ships and merchandise, as aforesaid, these libellants have sustained damages as follows; that is to say: For the value of the half of the said ship belonging to the said testators and intestate of these libellants, twenty-seven thousand and nine hundred dollars, and for the value of one-half of the charter of said ship, sixteen thousand six hundred and twenty two dollars—in all forty-four thousand five hundred and twenty-two dollars. ($44,522.)

Sixth. That all and singular the premises are true, and within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

Whereupon the libellants pray that a warrant of arrest in due form of law, according to the course of Courts of Admiralty, and the rules and practice of this Honorable Court, in civil causes of admiralty and maritime jurisdiction, may issue against the said John Laird, the younger, and that he may be required to appear and answer on oath this libel, and all and singular the matters aforesaid, and if he cannot be found, that his goods and chattels, and if none be found, that his credits and effects in the registry of this Honorable Court, known as the proceeds of the steamer "Wren" or otherwise, may be attached to the amount sued for, and costs. And that this Honorable Court would be pleased to decree the payment of the damages sustained by the libellants, with costs, and that they may have such other and further relief as in law and justice they may be entitled to receive.

(S'd) WILLIAM CUSHING, Executor,
" JOHN A. CUSHING, Executor,
" MARY A. JOHNSON, Executrix.
" KETURAH M. PRITCHARD, Adm'x,
" ELIZABETH H. PRITCHARD, Executrix,

" By J. LANGDON WARD, *their Attorney.*

(S'd) WINER BETHEL,
" S. R. MALLORY,
Proctors for Libellants.

United States of America, Southern District of New York, ss.:

On the third day of December, A. D., 1868, before me personally appeared William Cushing, of Newburyport, in the Commonwealth of Massachusetts, one of the above named libellants, and being by me duly sworn, made oath that he had read the foregoing libel, and knew the contents thereof, and that the same is true.

(S'd) WILLIAM CUSHING.

(S'd) JOSEPH GUTMAN, JR.,
U. S. Commissioner,
[SEAL.] *S. D. N. Y.*

United States of America, Southern District of New York, ss.:

I, Kenneth G. White, Clerk of the Circuit Court of the United States of America, for the Southern District of New York, Second Circuit, do hereby certify that I am well acquainted with the handwriting of Joseph Gutman, Jr., whose name is subscribed to the annexed jurat, and that the signature to the same is in his proper handwriting. And I do further certify that he was at the time of signing the same, a United States Commissioner, duly appointed by the Circuit Court of the United States of America, for the Southern District of New York, Second Circuit.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the said Circuit Court, this 4th day of December, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-third.

(S'd) KENNETH G. WHITE,
[SEAL] *Clerk.*

And on the same day, to wit: the twenty-eighty day of December, A. D., 1868, Winer Bethel, Esquire, Proctor aforesaid, files herein a power of attorney from J. Langdon Ward, in the words and figures following, to wit:

Know all men by these presents that I, J. Langdon Ward, of the city, county, and State of New York, attorney and counsellor at law, by virtue of the power and authority to me given in and by a letter of attorney of John N. Cushing and William Cushing, executors of the last will and testament of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of all and singular the goods, credits and effects of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of the last will and testament of William Pritchard, deceased, all of the city of Newburyport, in the Commonwealth of Massachusetts, dated October 19th, 1868, and authorizing me to do, perform, and execute, in their, and each of their names, and on their behalf, all things necessary and proper to be done for them as parties libellant in a certain action of spoliation and damage, civil and maritime, against John Laird, the younger, of Birkenhead, England, theretofore commenced in the District Court of the United States, for the Southern District of New York, or thereafter to be commenced in the District Court of the United States for the Southern District of Florida, do hereby substitute and appoint Winer Bethel, Esquire, of Key West, in the Southern District of Florida, aforesaid, to do, perform, or execute, every act or thing which I might or could do, in, by, and under, the said letter of attorney, as well for me, as being the true and lawful attorney and substitute of the said John N. Cushing, William Cushing, Mary A. Johnson, Keturah M. Pritchard, and Elizabeth Pritchard; hereby ratifying and confirming all that the said attorney and substitute hereby made and appointed, shall lawfully do in the premises by virtue hereof.

In witness whereof, I have hereunto set my hand and seal, this fourth day of December, in the year one thousand eight hundred and sixty eight.

(S'd) J. LANGDON WARD. [SEAL.]

In presence of }
(S'd) C. W. BENNETT. }

{ Int. Rev. Stamp. 25 cts. }

Whereupon, on the 6th day of January, A. D., 1869, the following order was made in this cause, to wit:

District Court of the United States, Southern District of Florida.

In Admiralty.

JOHN N. CUSHING & WILLIAM CUSHING, executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased,
vs.
JOHN LAIRD, THE YOUNGER.

Cause of Spoliation and damage, civil and maritime.

A libel having been filed in said Court, in the above entitled cause praying for a warrant of arrest against the defendant, the said John Laird, the younger, and that he may be required to appear and answer on oath the aforesaid libel, and all and singular the matters aforesaid; and if he cannot be found, that his goods and chattels, and if none be found, that his credits and effects in the registry of this Honorable Court, or elsewhere within the jurisdiction of said Court, known as the proceeds of the steamer Wren or otherwise, may be attached to answer said libellants. It is therefore ordered that process issue as prayed for in said libel, returnable on the third day of May, A. D., 1869.

(S'd) THOS. J. BOYNTON,
Judge.

Key West, January 6th, 1869.

Whereupon attachment was issued to the Marshal of said District, in the words and figures following, to wit:

United States of America, District Court of the United States, Southern District of Florida.

The President of the United States of America.

To the Marshal of the Southern District of Florida, Greeting:

You are hereby commanded that you take John Laird, the younger, of Birkenhead, in the Kingdom of England, shipbuilder, if he shall be found in your district, and him safely keep, so that you hand his body before the District Court of the United States of America, for the Southern District of Florida, to be held at Key West, in the said district, before the Judge of said Court, on the third day of May next, to answer John N. Cushing and William Cushing, executors of William Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, in a plea of spoliation and damage, civil and maritime. And have you then there this writ.

Witness, the Honorable Thomas J. Boynton, Judge of the said District Court at Key West, in the said district, this seventh day of January, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

[Seal.] (S'd.) JAMES W. LOCKE, *Clerk.*

Per JOHN T. YOUNG,
Actg. Clerk.

The Marshal will take bail for the sum of forty-four thousand six hundred and twenty-two dollars.

And on the same day the Marshal returns the same with his return thereon endorsed, in the words and figures following, to wit:

Came to hand, the 7th day of January, A. D. 1869. The said John Laird, the younger, not being found within the Southern District of Florida, process cannot be served.

(S'd) GEORGE D. ALLEN,
U. S. Marshal,
Southern District of Florida.

Whereupon attachment was issued to the Marshal of said District in the words and figures following, to wit: United States of America. District Court of the United States, Southern District of Florida

The President of the United States.

To George D. Allen, Esquire, the Marshal of the United States for the Southern District of Florida, Greeting:

You are hereby commanded forthwith to attach, seize, and take into your custody, the proceeds of sale of the steamer Wren, now on deposit with the Assistant Treasurer of the United States, in the city

of New York, and subject to the order of the Court wheresoever the same may be found within your precincts, and the same you are required to keep until the further order of this Court, to answer the claim of John N. Cushing and William Cushing, executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, in a cause of spoliation and damage, civil and maritime.

And how you shall have executed this precept, make known to the said Court at the court-rooms, in Key West, the third day of May, at 11 o'clock A. M., by a return hereof, with your certificate of execution hereon written.

Witness the Honorable Thomas J. Boynton, Judge of the said Court at Key West, in said District, the twentieth day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and Independence of the United States the ninety-third.

[Seal.] (S'd) JAMES W. LOCKE,
Clerk.

Per JOHN T. YOUNG,
Act'g Clerk.

Which attachment was afterwards by him returned, duly executed, and with the return thereon endorsed in the words and figures following, to wit:

Came to hand, the twenty-second day of February, 1869, and executed by serving a true copy hereof by mail on the Assistant Treasurer of the United States, at New York.

(S'd) GEORGE D. ALLEN,
U. S. Marshal,
S. Dist. of Florida.

To which service the following reply was received, to wit:

UNITED STATES TREASURY,
New York, March 4th, 1869.

SIR:

I have the honor to acknowledge your letter of February 25th, with a copy of attachment enclosed as stated.

Very respectfully,

E. H. BIRDSALL,
Act'g Assistant Treasurer.

GEORGE D. ALLEN, Esquire,
U. S. Marshal, S. Dist. Florida,
Key West, Florida.

Also monition was issued to said Marshal in the words and figures following, to wit:

District Court of the United States, Southern District of Florida.
The President of the United States—To George D. Allen, Esquire, the Marshal of the United States for the Southern District of Florida, Greeting :

Whereas, on the twenty-eighth day of December, A. D. 1868, John N. Cushing and William Cushing, executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, by their attorneys, Winer Bethel and Stephen R. Mallory, filed in the office of the Clerk of said Court their libel against John Laird, the younger, of Birkenhead, in the Kingdom of Great Britain, shipbuilder, in a cause of spoliation and damage, civil and maritime, alleging in substance that the respective testators and intestate of said libellants were the true and lawful owners of one-half of the American ship "Sonora," and that on or about the twenty-sixth day of December, 1863, the said ship being on a lawful voyage from Hong Kong, China, bound to Akyab, British India, that being then on the high seas, and within the flux and reflux thereof, the said ship Sonora, then owned as aforesaid, was overtaken by a certain armed, piratical vessel called the Alabama, commanded by one Raphael Semmes, theretofore by the said John Laird, the younger, wrongfully, and in direct violation of the laws of the kingdom of Great Britain, built, fitted out and equipped, for the purpose of preying upon and piratically destroying vessels and property of citizens of these United States; and the said ship Sonora, by the said Alabama plundered, and then burned and utterly destroyed; that by reason of the said acts of plunderage, violence and burning by the said armed and piratical vessel called the Alabama, so built, fitted out and equipped by the said John Laird, the younger, in violation as aforesaid, libellants have sustained damages in the aggregate of forty-four thousand five hundred and twenty-two dollars.

Whereupon said libellants pray (inasmuch as the said John Laird, the younger, cannot be found within the said district, upon whom a warrant of arrest may be served, as per return of the Marshal of this Court) that process of attachment may issue against the credits and effects of said John Laird, the younger, in the registry of this Honorable Court, known as the proceeds of the steamer Wren, may issue to the Marshal of the District aforesaid, together with a monition commanding him to cite the said John Laird, the younger, and all other persons having, or pretending to have, any right, title, or interest in the said steamer Wren, or the proceeds thereof, to appear and show cause, if any he or they have, why the aforesaid demand of the libellants should not be allowed. And that this Honorable Court will decree the payment of the damages sustained by the libellants with costs, out of the aforesaid proceeds so remaining in the registry of the Court as aforesaid, and that they may have such other and further relief as in law and justice they may be entitled to receive.

And whereas the Judge of said Court has ordered that attachment and monition be issued as prayed, returnable on the third day of May, A. D. 1869.

Now, therefore, you are hereby commanded forthwith to cite and admonish John Laird, the younger, of Birkenhead, in the Kingdom of England, shipbuilder, and all other persons whomsoever having, or pretending to have, any right, title, claim, or interest in or to the said steamer Wren, or the proceeds thereof, to appear at an admiralty session of said Court, to be held in the court-rooms of said Court, at Key West, in said District, on Monday, the third day of May, A. D. 1869, at 11 o'clock in the forenoon of that day, to show cause, if any they have, why the prayer of said libellants should not be granted, and to attend upon every session of said Court, from that time held, until a final decree shall be rendered in the premises.

And this you are required to do by causing a publication of this monition in the Key West *Dispatch*, a paper published in this District, once a week for the space of six weeks, and by posting true copies hereof at the two most public places in Key West.

And how you shall have executed this precept make known to the Court by a return hereof on or before the third day of May aforesaid, with your certificate of execution hereon written.

Witness the Honorable Thomas J. Boynton, Judge of said Court, at Key West, in said District, this twentieth day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States the ninety-third.

[Seal] (S'd) JAMES W. LOCKE, *Clerk*.

Per JOHN T. YOUNG,
Act'g Clerk.

Which monition was afterwards by him returned, duly executed, and with the return thereon endorsed, in the words and figures following, to wit:

Came to hand, the 22d day of February, 1869, and executed by causing the within monition to be published in the Key West *Dispatch*, a paper published in Key West, within the Southern District of Florida, once a week for the space of six weeks, to wit, from the 27th day of February to the 3d day of April inclusive, and by posting two copies hereof in the city of Key West, as within commanded.

(S'd) GEORGE D. ALLEN,
U. S. Marshal,
So. Dist. of Florida.

Afterwards, to wit, on the eighth day of May, in the year aforesaid, John Laird, the younger, files his appearance and claim herein, in the words and figures following, to wit:

In the District Court of the United States, Southern District of Florida.

In Admiralty.

JOHN N. CUSHING and WILLIAM CUSHING, Executors, *et. al.* *vs.* JOHN LAIRD, THE YOUNGER. } Spoliation and damage.

And now comes John Laird, the respondent in this cause, and makes his general appearance herein, and claims the proceeds in the registry of this Court, as attached in this suit.

(S'd) JOHN LAIRD,

By F. A. DOCKRAY,
Atty. & Proctor.

Also on the same day last aforesaid, there is filed herein a motion and stipulation for the dismissal of the attachment herein, in the words and figures following, to wit:

District Court of the United States, Southern District of Florida.

In Admiralty.

JOHN N. CUSHING and WM. CUSHING, Executors, *et al.* *vs.* JOHN LAIRD, THE YOUNGER. } Spoliation and damage.

And now comes John Laird, by his attorney and proctor, F. A. Dockray, and moves the Court for an order dissolving the attachment herein.

(S'd) JOHN LAIRD,

By F. A. DOCKRAY,
Atty. and Proctor.

We consent to the above absolutely, and without stipulation or bond.

(S'd) BETHEL & MALLORY,
Proctors for Libellants.

Whereupon, on the tenth day of May, aforesaid, it is ordered, adjudged, and decreed in the words and figures following, to wit:

In the District Court of the United States, Southern District of Florida.

In Admiralty.

JOHN N. CUSHING and WM. CUSHING, Executors, *et al.* *vs.* JOHN LAIRD, THE YOUNGER. } Spoliation and damage.

Whereas John Laird, respondent herein, by F. A. Dockray, his attorney and proctor, has moved the Court for a dissolution of the attachment in this cause, and whereas the libellants, by Bethel & Mallory, their attorneys and proctors, have, in writing filed in this cause, consented thereto, absolutely and without stipulation or bond.

It is therefore ordered, that the attachment issued out of this Court, upon the proceeds of the sale of the steamer Wren, now on deposit with the Assistant Treasurer of the United States, at New York, be dissolved.

(S'd) THOS. J. BOYNTON,
Judge.

District Court of the United States, Southern District of Florida.

In Admiralty.

I, Eugene O. Locke, Clerk of the District Court of the United States for the Southern District of Florida, do hereby certify that the foregoing twenty-four pages contain a true record of the proceedings in admiralty in the case of

JOHN N. CUSHING, *et al.* *vs* JOHN LAIRD, THE YOUNGER, } Spoliation,

lately adjudicated in this Court, as appears from the admiralty register, and the files of the said Court kept in my office.

In testimony whereof I have hereunto set my hand and the seal of said Court, at Key West, in said District, this tenth day of April, A. D. 1872, and Independence of the United States the ninety-sixth.

(Seal) EUGENE O. LOCKE.
Clerk.

United States of America, Southern District of Florida.

I, James W. Locke, Judge of the District Court of the United States, for the said District, do hereby certify that Eugene O. Locke is clerk of said Court; that full faith and credit are and ought to be

given to his attestations as such, and that the preceding record, and the said clerk's certificate thereto, are in due form of law.

Given under my hand, at Key West, in said District, the tenth day of April, A. D. 1872.

JAS. W. LOCKE,
U. S. D. Judge.

[Endorsed]—District Court of the United States for the Southern District of Florida. John N. Cushing and others agst. John Laird, the younger. Exemplified copy record.

In the matter of the "Wren." } Office of Foster & Thomson, Attorneys and Counsellors, 69 Wall St., New York. Feb. 24, 1869.

J. Langdon Ward, Esq.:

DEAR SIR: Our suggestion is, that the District Judge in Florida forward to us his check on the Assistant Treasurer for the proceeds of the Wren, and that we draw the funds under our authority from the claimants, Laird & Styles, and keep the proceeds in our hands sufficiently long to enable you to serve upon us any process or papers as you may be advised. Should this suggestion be satisfactory to you, we give you our personal assurance that the funds will be so retained by us.

Yours truly,

FOSTER & THOMSON.

[Endorsed]—Foster & Thomson, Feb. 24, '69.

192 Broadway, New York, March 12, '69.

CUSHING *et al.*
vs.
LAIRD.

Winer Bethel, Esq., Key West:

MY DEAR SIR: Your favor of 6th inst., is rec'd with enclosure. In the above suit, make no objection to the forwarding by the judge to Messrs. Foster & Thomson, Attys. of this city, of the check for the proceeds of the Wren in accordance with the mandate of the Supreme Court.

Until otherwise advised, hold the suit where it is, staying further proceedings at present; but do *not* discontinue; if necessary to enable the Court to forward the check, stipulate as may be proper.

I enclose a copy of a letter from Messrs. Foster & Thomson to their atty, for your information.

Advise me by telegraph the day the check leaves Key West.

Yours very truly,

J. LANGDON WARD.

Copy letter enclosed in preceding:

March 13, '69.

Hon. F A Dockray, Key West, Florida:

DEAR SIR: The Attorneys for the plaintiffs in the proceedings in Florida against the proceeds of the Wren, have decided to make no objection to the judge forwarding us his check for the money. We enclose the letter of Mr. Ward (the Attorney) to Mr. Bethel (or rather a copy). Please obtain the check payable to our order and forward it to us. Yours truly,

FOSTER & THOMSON.

(Copy Telegram.)

May 8th, '69.

Winer Bethel,
Key West, Florida.

Consent absolutely to forwarding Foster & Thomson Judge's check for proceeds Wren, drawn to their order. Require no bond or stipulation.

J. LANGDON WARD.

[Endorsed]—U. S. District Court. J. N. Cushing *et al. vs.* John Laird, the younger. Libellants' Exhibits.

March 9, 1869.

DEAR SIR: Can you prepare your telegram and send it to Key West? I would like to have it done to avoid possibility of any body else taking any proceedings in Florida. Yours truly,

J. THOMSON.

J. Langdon Ward, Esq.

[Endorsed]—Thomson, March 9, '69.

No. 1, Nov. 7, 1872. S. B.

BILL OF SALE.

Form No. 10 A., Steamer.
Official number of ship, 51,056. Name of ship, Wren.
Port number, 533. Port of registry, Liverpool. British or Foreign built. British.
Number of decks, one. Build, clencher.
Number of masts, two. Galleries, none.
Rigged, schooner. Head, none.
Stern, elliptical. Framework, steel.
How propelled, by paddles. Where built, Birkenhead, in the County of Chester. When built, in the year 1866.

MEASUREMENTS.

Length from the forepart of the stem, under the bowspit, to the aft side of the head of the stern post, 211 feet 1 tenth.

Main breadth to outside of plank, 23 feet 2 tenths.

Depth in hold from tonnage deck to ceiling at midships, 10 feet 4 tenths.

TONNAGE.

Tonnage under deck. .....No. tons.....378.73
Closed in space above the tonnage deck, if any, viz., space or spaces between decks.....
Poop.....
Round house.....10.32
Other enclosed spaces, if any, naming them. Round house for crew, and galley, making 8 81-100 not charged.
No. tons.....389.05
Deduction for space required for propelling power, tons.....121.90
Length of engine room (measured) 52 feet, 6 tenths.
Number of engines, two.
Combined power, (estimated horse power) one hundred and twenty, 120.
Engines by Laird Bros., Birkenhead.
Number of tons brt. forward.....389.05
Deduct allowances for propelling power.....121.90
Register tonnage.....267 15-100

I, John Laird, the younger, of Birkenhead, in the County of Chester, ship builder, in consideration of the sum of fifteen thousand four hundred and fifty pounds, paid to me by Charles Kuhn Prioleau, of Liverpool, in the County of Lancaster, merchant, the receipt whereof is hereby acknowledged, transfer sixty-four sixty-fourths shares in the ship above particularly described, and in her boats, guns, ammunition, small arms and appurtenances, to the said Charles Kuhn Prioleau.

Further. I, the said John Laird, the younger, for myself and my heirs, covenant with the said Charles Kuhn Prioleau and his assigns, that I have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from incumbrances.

In witness whereof I have hereunto subscribed my hand and affixed my seal, this third day of January, one thousand eight hundred and sixty-five.

JOHN LAIRD, JR. (LS.)

Executed by the above named John Laird, the younger, in the presence of

J. R. ARMSTRONG.
MAULTRIE OXTON.

Endorsed.—Custom House, Liverpool, 1st May, 1865. Entered at 10 A.M.

GEO. THOMAS, *Ass't. Reg.*

[Endorsed]—U. S. D. C. S. D. N. Y. John N. Cushing *et al. vs.* John Laird, the younger. Bill of sale of the steamer "Wren."

No. 2, Nov. 7, 1862. S. B.

I, the undersigned Consul of the United States of America for the port of Liverpool and its dependencies, do certify and make known to whom these presents shall come, that

William Henry Fletcher, whose true signature and notarial seal are subscribed and affixed to the annexed certificate, is a Notary Public, duly authorized, admitted and sworn, residing and practicing in Liverpool, to whose acts as such, full faith and credit are due.

Given under my hand and seal of office, at Liverpool, this 3d day of June, and year of our Lord one thousand eight hundred and sixty-nine.

(Seal) TH. H. DUDLEY.

To all to whom these presents shall come, I, William Henry Fletcher, Notary Public by royal authority, duly admitted, sworn, and enrolled, dwelling and practicing in Liverpool, in the County of Lancaster, in England, do hereby certify that the copy register contained on the two sheets of paper hereto annexed and marked A, is and contains a true and certified copy of the register of the paddle steamer "Wren," of the port of Liverpool, and I do further certify that the signature, "J. B. Edwards," subscribed at the foot of each page of the said copy register, is the proper handwriting of John Benbow Edwards, one of the assistant registrars for shipping for the said port of Liverpool, and that each sheet of the said copy register is impressed with the seal of Her Majesty's Customs at Liverpool; and I do further certify that the copy bill of sale, also hereto annexed, is a true and correct copy of the original bill of sale of the said vessel "Wren," from John Laird, Junior, of Birkenhead, shipbuilder, to Charles Kuhn Prioleau, of Liverpool, merchant, and the signature to such original bill of sale is the signature of John Laird, Junior, and the signature of the attesting witness is the signature of John Richardson Armstrong, of Mculltrie Oxton, merchant, with both of whose signatures I am well acquainted. And I further certify that such bill of sale is the bill of sale referred to on the second sheet of the document hereto annexed, and marked A, and that the memorandum written across the said bill of sale is the memorandum of the same, having been duly registered.

In faith and testimony whereof, I, the said Notary Public, have hereunto set my hand and affixed my seal notarial, this third day of June, 1869.

(Seal) W. HENRY FLETCHER.
Notary Public.

Form No. 19, Nov., 1864. A. Copy register.

Official number of ship, 51,056. Name of ship, Wren.

Port number, 533; port of registry, Liverpool; British or foreign built, British.

Whether a sailing or steam ship, steam; if steam, how propelled, paddles.

Where built, Birkenhead, in the County of Chester. When built, 1864.

Number of decks, one; number of masts, two; rigged schooner; stern, elliptical; build, clencher; gallery, none; head, none; frame-work, steel.

TONNAGE.	No. of Tons.
Tonnage under tonnage deck	378.73
Closed in spaces above the tonnage deck, if any, viz., space or spaces between decks	———
Poop	———
Round house	10.32
Other enclosed spaces (if any) naming them	———
Round house for crew and galley, mg. 8 81–100 tons not charged	389.05
Deduct allowance for propelling power	121.90
Register tonnage	267.15

MEASUREMENTS.

Length from the forepart of the stem under the bowsprit to the aft side of the head of the stern post, 211 feet 1 tenth. Main breadth to outside of plank, 23 feet 2 tenths. Depth in hold from tonnage deck to ceiling at midships, 10 feet 4 tenths.

ADDITIONAL PARTICULARS FOR STEAMERS.

Deduction for space required for propelling power, 121·90 tons. Length of engine room (if measured), 52 feet 6 tenths. Number of engines, two. Combined power (estimated horse power), 120.

Name of master, ———; certificate of service, No. —; competency, No. —.

Names, residence, and description of the owners, and number of sixty-fourth shares held by each owner: John Laird, the younger, of Birkenhead, in the County of Chester, shipbuilder, sixty-four (64). For subsequent transactions see copy annexed.

(L. S.) Custom House, Liverpool, 1st June, 1869. I certify the aforegoing, as well as the copy of transactions annexed, to be a true copy of the register of the "Wren," as appears in the book of registry of British vessels kept at this port under my charge. Registry dated 24th Decr., 1864. *Asst. Registrar,*

J. B. EDWARDS.
Port of Liverpool.

N. B. To be addressed in an envelope to the Chief Registrar of Shipping, Custom House, London. No. 219.

Form No. 20. A. Copy transactions subsequent to registry.

Official number of ship, 51,056; port of Liverpool; name of ship, Wren; number and date of registry, 533, 1864.

Number of transactions, 1; name of person from whom title is derived, John Laird, Jr.; number of shares affected, 64; date of registry, 1 May, 1865, 10 A.M.; nature and date of transactions, bill of sale, dated 3d Jany., 1865; name, residence, and occupation of transferee, mortgagee, or other person acquiring title or power, Charles Kuhn Prioleau, of Liverpool, in the County of Lancaster, merchant.

Number of transaction under which title acquired, 1; names of owners, Charles Kuhn Prioleau; number of shares, 64; total, 1 May, 1865.

Vessel captured by the United States authorities, in 1865, as per letter from owner, dated 13 May, 1869. Certificate of registry lost same time.

Registry closed 14 May, 1869.

J. B. EDWARDS,
Asst. Registrar.
Port of Liverpool.

N. B. To be addressed in an envelope to the Chief Registrar of Shipping, Custom House, London. No. 220. Copy of transactions, &c., &c.

COPY BILL OF SALE.

Official number of ship, 51,056. Name of ship, "Wren."

Port number, 533. Port of registry, Liverpool; British or foreign built, British. How propelled, by paddles. Where built, Birkenhead, in the County of Chester. When built, in the year 1864.

Number of decks, one. Build, clencher. Number of masts, two. Galleries, none. Rigged, schooner. Head, none. Stern, elliptical. Framework, steel.

MEASUREMENTS.

Length from the forepart of the stem, under the bowsprit, to the aft side of the head of the stern post, 211 feet 1 tenth.

Main breadth to outside of plank, 23 feet 2 tenths.

Depth in hold, from tonnage deck to ceiling at midships, 10 feet 4 tenths.

TONNAGE.

Tonnage under deck, 378.73.

Closed in spaces above the tonnage deck, if any, viz., space or spaces between decks,
Poop,
Round house, 10.32.

Other inclosed spaces, if any, naming them. Round house for crew, and galley, mg. 8 81–100 not charged. 389.05.

Deduct allowance for propelling power, 121.90. Register tonnage, 267 15–100.

Deduction for space required for propelling power, 121.90 tons. Length of engine room, if measured, 52 feet 6 tenths. Number of engines, two.
Combined power (estimated horse power) one hundred and twenty, 120. Engines by Laird Bros., Birkenhead.

I, John Laird, the younger, of Birkenhead, in the County of Chester, ship builder, in consideration of the sum of fifteen thousand four hundred and fifty pounds, paid to me by Charles Kuhn Prioleau, of Liverpool, in the County of Lancaster, merchant, the receipt of which is hereby acknowledged, transfer sixty-four sixty-fourths shares in the ship above particularly described, and in her boats, guns, ammunition, small arms and appurtenances, to the said Charles Kuhn Prioleau.

Further, I, the said John Laird, the younger, for myself and my heirs, covenant with the said Charles Kuhn Prioleau and his assigns, that I have power to transfer in the manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from incumbrances.

In witness whereof, I have hereunto subscribed my name and affixed my seal, this third day of January, one thousand eight hundred and sixty-five.

Executed by the above named John Laird, the younger, in the presence of J. R. Armstrong, Maultrie Oxton.

JOHN LAIRD, JR. (SEAL)

CUSTOM HOUSE, LIVERPOOL, 1st May, 1865.

Entered at 10 A. M.

GEO. THOMAS,
Ass. Reg.

[Endorsed]—U. S. D. C. S. D. N. Y. John N. Cushing *et al. vs.* John Laird, the younger. Copy register of steamer "Wren." Ex. No. 2.

No. 3, Nov. 8, 1872. S. B.

January 5, 1869.

DEAR SIR: Mr. Evarts has given us your address, and we write you to secure your services in the matter of the steamer "Wren" proceeds, now in the hands of the Assistant Treasurer in this city.

The "Wren" was seized by part of her crew (rising on the officers), brought into Key West, where she was libelled in prize and condemned. We appealed to the Supreme Court, and the judgment of condemnation was reversed. We afterwards sent the remittitur down to Mr. Plantz, together with a copy of the power of Attorney from Messrs. Laird (owner) and Stiles (captain), requesting him to enter an order for us and obtain the draft *to our order* from the Judge upon the U. S. Assistant Treasurer here.

This has not been done, because certain parties in Washington, having an adverse interest (we suppose connected with the prize money, which would have been obtained in case of success), procured an action to be ordered by the Atty. General's office, to try the question of ownership over again.

When we called the attention of the Atty. General himself to this, he saw at once that no such action could be maintained, and caused it to be stopped. This difficulty, therefore, in the way of carrying out the judgment of the Supreme Court has been obviated. We learn, however, that certain parties, who had a ship burned by the Alabama, have undertaken to commence an action against Mr. Laird for spoliation, in hope of attaching or garnisheeing the fund. This, of course, cannot be done, for two reasons, both independent of the absurdity of the claim on its merits.

First. The U. S. Court has no jurisdiction over a non-resident under such circumstances. This has been decided here, and

Second. The funds cannot be garnisheed in Florida, even though the Court had jurisdiction, because they are not in Florida, and also because there cannot be any such thing as attachment in the hands of the Court.

The Court *must* obey the judgment of the S. C., and after we get the funds in our hands they may take their own course.

Please obtain for us the Judge's draft on the U. S. Treasurer and forward to us.

Should any proceedings have been taken by the parties commencing the personal action against Mr. Laird, do not enter any general appearance for him, but only specially move to set aside the process and attachment for want of jurisdiction, as you will readily see that a voluntary appearance for Mr. Laird would obviate the difficulty under

which the plaintiffs rest, and might be claimed to give jurisdiction for private actions upon all the Alabama claims.

Please also let Plff's Attys. take their own time in the matter, as it is probable arrangement may be made by us here to have the suit withdrawn in Florida, and that any litigation may go on here. We send duplicate of this to Key West, as Mr. Evarts informs us that you will probably move from Tallahassee to K. W. about the 25th inst.

We enclose fee, $100.

Yours truly,

FOSTER & THOMSON.

Hon. F. A. Dockray, Tallahassee.

[Endorsed]—Letter dated Jan. 5th, 1869, to Hon. F. A. Dockray.

No. 4, Nov. 8, 1872. S. B.

TALLAHASSEE, Fla., January 11, 1869.

Messrs. Foster & Thomson, Attys.
New York.

I am in receipt of yours of the 5th inst., with enclosure of your check for $100 as retainer fee in the case mentioned.

As soon as I reach Key West I shall be able to ascertain the precise status of the "Wren" case.

I can see no obstacles in the way of my acting for you, if the matter stands as you represent.

You can address me here until the 28th inst.

Very truly, &c.,

F. A. DOCKRAY.

[Endorsed]—Tallahassee, Fla., Jan. 11, 1869. F. A. Dockray.

No. 5, Nov. 8, 1872. S. B. Not official.

Jan. 26, 1869.

Hon. F. A. Dockray, Key West:

DEAR SIR: When we first wrote down to the former District Attorney, we enclosed to him a copy of the Power of Attorney to us by Mr. Laird and Capt. Styles to receive the money, but it has occurred to us since that this may not have been filed, or may have been mislaid, and we now therefore send you another copy, we retaining the original, to be at the service of the Court or to be left with the Assistant Treasurer on receiving the money.

We lay stress on this, as the particular object we have in the matter is to receive the money under it, and we wish to have the Judge's cheque so drawn that we as attorneys may collect it.

We duly received yours from Tallahassee, and you on arriving at Key West will find the matter in the position described by us, and if there is any impediment, please telegraph that we may take steps here to remove it.

There has been some disposition to make this "Wren" case subject of annoyance by publication of newspaper squibs on the subject, which originates out of disappointment of certain parties (who probably were interested in the captors' share) at the decision of the Supreme Court in our favor. We enclose one as a sample, but the charge in it is quite unfounded, as we did not use our intimacy with Mr. Evarts to influence him in his action in this matter, but his stoppage of the suit was the exercise of his own judgment. The resolution offered in the Senate amounts to nothing, and has not yet been responded to, and how it will be we will enquire of Mr. Evarts, whom we expect in the city the latter part of this week.

Yours truly,

FOSTER & THOMSON.

[Endorsed]—Letter dated Jan. 26th, 1869, to Hon. F. A. Dockray.

No. 6, Nov. 8, 1872. S. B.

March 13, 1869.

Hon. F. A. Dockray, Key West, Florida:

DEAR SIR: The attorneys for the plaintiffs in the proceeding in Florida against the proceeds of the "Wren," have decided to make no objection to the Judge forwarding his cheque for the money.

We enclose the letter of Mr. Ward, the Attorney, to Mr. Bethel, or rather a copy.

Please obtain the cheque payable to our order, and forward it to us.

Yours truly,

FOSTER & THOMSON.

[Endorsed]—Cushing *v.* Laird—Letter Mch 13, 1869. Foster & Thomson to F. A. Dockray.

No. 7, Nov. 8, 1872. S. B. Personal.

JACKSONVILLE, Florida, March 18, 1869.

Messrs. Foster & Thomson, Attys.,
69 Wall St., New York.

DEAR SIRS: In the case of the steamer "Wren," John Laird, owner &c., I would have written you several weeks ago if I was at liberty to take any action in your interest.

While representing the government and bound by the instructions of the Attorney General, it has not been possible for me to serve you as indicated in yours of the 5th January last.

Before the mandate of the Supreme Court U. S. reached the Clerk of the Court at Key West, the acting U. S. Atty had filed a petition in a cause of possession against the proceeds of the sale of the "Wren," returnable (monition) December 1st, 1868. The Attorney General, however, directed that no default be taken, nor any other steps without further instructions.

The matter seems to be in a shape to enable you to secure the benefit of the mandate of the Supreme Court U. S. by proper management. It is certainly my duty to obey the terms of the decree of the Supreme Court, as it also is to promptly and efficiently execute any instructions I may receive from the Attorney General.

If you will communicate with Senator Osborn of Florida at Washington, immediately, you may be able to obtain definite instructions, to be forwarded me from the office of the Attorney General. I am precluded at present from taking "any steps" without further directions.

Yours, &c.,
F. A. DOCKRAY.
U. S. Atty. Southern Dist. of Florida, Key West.

Address me at Jacksonville.

[Endorsed]—Jacksonville, Florida, March 18th, 1869. F. A. Dock ray.

No. 8, Nov. 8, 1872. S. B.

March 24, 1869.

DEAR SIR: We have duly received yours in regard to the proceeds of the "Wren," but before you will have received this we suppose you will have received directions to withdraw the action brought in behalf of the U. S.

Mr. Evarts was in this city last week (staying at the house of the writer), and we understood him to say that an order had been sent down to withdraw the action.

We have just written to him. Yours truly,

FOSTER & THOMSON.

F A. Dockray, Esq, Jacksonville.

[Endorsed]—Cushing *vs.* Laird. Letter March 24, 1869. Foster & Thomson to F. A. Dockray.

No. 9, Nov. 8, 1872. S. B.

March 25, 1869.

DEAR SIR: Since writing you, Mr. Evarts informs us that the directions were sent from the Atty Genrl's office to discontinue the action of the U. S., although they have had a letter from you indicating that you had not received it.

These directions, together with the withdrawal of opposition by Messrs. Cushing, will, no doubt, enable you to obtain the Judge's check to our order.

Yours truly,

FOSTER & THOMSON.

F. A. Dockray, Esq.

[Endorsed]—Cushing *vs.* Laird. Letter March 25th, 1869. Foster & Thomson to F. A. Dockray.

No. 10, Nov. 8, 1872. S. B.

JACKSONVILLE, FLA., March 26, '69.

GENT.: A libel has been filed at Key West by Mallory & Bethel, Attys for John N. Cushing and William Cushing, executors, *et al.*, *against* John Laird and the proceeds of the steamer "Wren."

Attachment has issued. The monition is dated Feb. 20, 1869, and is returnable May 3d, 1869.

I shall leave for Key West next steamer, and will move to set aside the process and attachment for want of jurisdiction.

Truly yours,

F. A. DOCKRAY.

Messrs. Foster & Thomson, Attys., 69 Wall Street, New York.

[Endorsed]—Jacksonville, March 26, 1869. Letter from F. A. Dockray.

No. 11, Nov. 8, 1862. S. B.

Telegram, May 3, 1869.

To F. A. Dockray, District Attorney, Key West, Fla.:

Attorney-General received telegram. No obstacle to check being forwarded. Telegraph when sent.

FOSTER & THOMSON.

No. 12, Nov. 8, 1872. S. B.

May 7, '69.

F. A. Dockray, Esq., Key West, Florida:

DEAR SIR: About ten days ago we received a telegram from Mr. Philbrick, of Key West, informing us that you had not received the instructions to discontinue and discharge the proceedings of the Government against the Wren proceeds.

We at once repeated the telegram to the Attorney-General, who informed us when your dispatch (the second) came, announcing the arrival of the instructions.

Yesterday we received your telegram and saw Mr. Ward accordingly. He felt annoyed as well as we that any question or difficulty should be raised against the remittance to us of the check to our order, as he had written very clearly and plainly to Mr. Bethel, his correspondent, to allow the check to be forwarded. I enclosed you a copy of his letter at the time.

He will telegraph and write Mr. Bethel again, and we hope there will be no further difficulty.

Yours truly,

FOSTER & THOMSON.

No. 13, Nov. 8, 1872. S. B.

KEY WEST, FLA., May 9, 1869.

Telegram to Foster & Thomson, 69 Wall St.

Attachment dissolved. I have decree and Judge's check. My fee of one thousand (1,000) taxed by Court. Shall it be taken from proceeds, or shall I draw on you? Answer immediately.

30 c., 765 paid.

F. A. DOCKRAY.

[Endorsed]—Key West, May 9, 1869. Telegram. F. A. Dockray. Ex. no B.

No. 14, Nov. 8, 1872. S. B.

May 10.

To F. A. Dockray, Key West, Florida:

Send Judge's check to our order for amount less one thousand. Telegraph when mailed.

FOSTER & THOMSON.

[Endorsed]—Wren, Exhibits 11, 12, and 14. Telegrams and letters from F. A. Dockray.

No. 15, Nov. 15, 1872. S. B.

Telegram, Key West, Fla., to Foster & Thomson, 69 Wall St., May 12, 1869.

Checks for thirty-one thousand four hundred forty-one 31,441 dollars, sixty-two (62) cents.

Total proceeds forwarded to-day. Mail leaves Saturday from Havana.

22 N. Y., 589 & 860. Collect. F. A. DOCKRAY.

[Endorsed]—Key West, May 12, 1869. Telegrams, F. A. Dockray.

No. 16, Nov. 8, 1872. B. S.

Office of U. S. Attorney, Southern District of Florida,

Key West, May 10, 1869.

Messrs. Foster & Thomson, Attys., 69 *Wall Street, New York:*

DEAR SIRS: I transmit enclosed the checks drawn by Judge Boynton for the proceeds of the "Wren," viz., No. 199, for $29,869.62, and No. 200, for $1,572, total, $31,441.62, on the Assistant Treasurer of the United States, at New York. The checks cover the entire am't of proceeds of the "Wren," now on deposit with the Asst. Treasurer. Instead of deducting my fee of $1,000, as per your telegram of this day, I had drawn on you for $1,071 through John Jay Philbrick, Esq., the $71 being am't of expenses incurred as per memo herewith. The decree had been filed and the checks issued before your telegram was received.

I will write you to-morrow in full, and enclose certified copies of the proceedings had on the dissolution of the attachment.

Mr. Philbrick will forward the checks with this letter through the house of C. & E. Howe, 71 Broadway.

Any business not purely professional which you may desire to have attended to here, at any time, will be promptly and faithfully conducted by Mr. Philbrick.

I am, truly yours,

F. A. DOCKRAY, *Atty.*

[Endorsed]—Key West, May 10, 1869. Dockray's letter.

No. 17, Nov. 8, 1872. S. B.

KEY WEST, Fla., 10 May, 1869.

Exchange for $1,071 at sight of this first of exchange. Second unpaid. Pay to the order of C. & E. Howe one thousand and seventy-one dolls., value received, and charge the same to account.

F. A. DOCKRAY, *Atty.*

To Foster & Thomson, 69 *Wall Street, New York.*

(Endorsed)—Key West, May 10, 1869. Bill of exchange.

No. 18, Nov. 8, 1872. S. B.

Office of U. S. Attorney, Southern District of Florida,

Key West, May 11th, 1869.

Messrs. Foster & Thomson,

69 Wall Street, New York.

DEAR SIRS: On the 29th day of Apr'l I filed a motion in the case of Cushing *vs.* Laird, to dismiss the libel and attachment for want of jurisdiction. Premising that Mr. Mallory intended to contest the mo-

tion to the fullest extent, I prepared to argue my motion very thoroughly on my arrival here. When I reached here, Mr. Bethel manifested some alarm at my energy and confidence in the case, and telegraphed to Mr. Mallory at Pensacola to come here at once, when I found that he intended to oppose my motion with an elaborate argument, which (on the part of both of us) would necessarily involve the merits of the case.

Pending this argument, I informed them of my instructions to obtain the proceeds, and of the acquiescence of Mr. Langdon Ward in the terms agreed upon. Mallory & Bethel, however, would not consent without stipulation, and telegraphed to Mr. Ward at the time I also telegraphed you to see him. Ward replied, to "consent absolutely, without bond or stipulation" to the payt. of the proceeds to your order.

M. & B. were not fully satisfied by this of the intention of Cushing *et. al.*, and did not imagine that the parties libellant would consent to a dissolution of the attachment without security, as Mr. Ward had lately written them to keep the suit in court by all means in their power.

I succeeded finally in inducing them to consent in writing to my motion for dissolution, if I would enter a general appearance for Laird, which I hazarded nothing in doing.

I was willing for these reasons and on this defence, viz.:

1. That the dissolution of the attachment left the Court free to decree upon the mandate of the Supreme Court, and restore the proceeds to you as Laird's Attys. in fact.

2. The attachment being dissolved and the money paid to you, the libellants have no case in court, even if they had before.

3. The voluntary general appearance of Laird has no legal importance, because the Court having no jurisdiction, no voluntary act of either party can give it jurisdiction.

4. The libellants reside in one judicial district and bring suit in a second against a party in a third, or an alien domiciled abroad, which ousts the jurisdiction.

5. Even allowing or admitting the jurisdiction (if so), the most the libellants are able to do is to obtain judgment against Laird, and suggest it in an English Court of competent jurisdiction. Meanwhile the claim of Cushing *et. al.* for the "Sonora" is pending as one of the Alabama claims, and is more than likely to be adjusted before any U. S. Court could come to judgment on this case, and before any English Court would finally afford process of execution.

I send you enclosed a certified copy of the late proceedings in the matter.

A copy of the decree and orders of dissolution of attachment has been transmitted to the Asst. Treasr. of U. S. at New York, by the Clerk of the Court.

The Judge's checks, one for $29,869.62, and one for $1,572, total $31,441.62, cover the entire proceeds on deposit with the Asst. Trea-

surer. They are forwarded to you through John Jay Philbrick, Esq., British Vice-Consul, through his house in New York, Messrs. C. & E. Howe, 71 Broadway. I have drawn on you through him for $1,071, at sight, covering my fee and expenses, ($71.) of which I enclose a memo., and which dft. he has cashed to me.

There may be a little difficulty at the Asst. Treasury, owing to an error (not yet fully rectified) in its ac. with the Court here. The error amounts to about $600. I suggest that you present the check for $29,869.62 before that of $1,572, delaying the latter a few days. But you will ascertain more fully at the Asst. Treasr. about this. I leave for Jacksonville on Thursday, 13th, when I shall be glad to hear from you. I am, yours truly, &c.,

F. A. DOCKRAY, *Atty.*

[Endorsed]—Key West, May 11, 1869. F. A. Dockray.

No. 19, Nov. 8, 1872. S. B.

May 21, '69.

DEAR SIR: We have duly received your favor and package of May 12, and also have obtained the two checks.

By some mistake or misapprehension, the check for $1,572 is not paid but the Assistant Treasurer informs us that he has communicated with Judge Boynton on the subject, and we have also written to him asking attention to it. Yours truly,

FOSTER & THOMSON.

Hon. F. A. Dockray, Jacksonville.

[Endorsed]—N. Y., May 21, 1869. Letter from Foster & Thomson to F. A. Dockray.

At a stated term of the District Court of the United States for the Southern District of New York, holden at the United States Court Rooms, at No. 41 Chambers Street, in the city of New York, on Saturday, the twenty-sixth day of April, A. D. 1873.

Present, Hon. Samuel Blatchford, District Judge.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

The issue raised by the answer of Foster & Thomson, the garnishees in this suit, denying the possession at the time of service of the several processes in this action or at any time since, of any goods, chattels, choses in action, property, credits or effects, belonging to John Laird, the younger, the respondent herein coming on to be heard, and both parties having adduced such proofs in that behalf as they were advised, and the advocates of the respective parties having been heard, and due deliberation having been had thereupon, now on motion of J. Langdon Ward, proctor for the libellants, it is

Ordered, adjudged, and decreed, that the said Foster & Thomson, the garnishees in this suit, did have in their hands at the time of the levy of the attachments herein, credits and effects of the said John Laird, the younger, respondent herein, to wit: the proceeds of the steamer Wren, amounting to the sum of thirty-one thousand four hundred and forty-one dollars and sixty-two cents.

SAM. BLATCHFORD.

[Endorsed]—District Court of the U. S., Southern District of N. Y. John N. Cushing *et al. vs.* John Laird, the younger. Proposed order and notice of settlement. J. Langdon Ward, proctor for libellants, 192 B'way. Service of a notice and copy of order of which the within are copies, is hereby admitted, April 22d, 1873. Foster & Thomson, Garnishees. Filed April 26th, 1873.

At a stated term of the District Court of the United States for the Southern District of New York, holden at the United States Court rooms, No. 41 Chambers Street, in the city of New York, on Saturday, the 26th day of April, A. D. 1873.

Present, Hon. Samuel Blatchford, District Judge.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Upon all the papers, pleadings and proceedings in this suit, and on motion of J. Langdon Ward, proctor for the libellants, it is

Ordered that Foster & Thomson, the garnishees, do forthwith pay into this Court the sum of thirty-one thousand four hundred and forty-one dollars and sixty-two cents, the amount of moneys decided to be in their hands belonging to the respondent in this suit, or give stipulation with sufficient surety according to the course and practice of this Court in Admiralty causes, to abide the further order or decree of this Court in relation thereto.

SAM'L BLATCHFORD.

[Endorsed]—22, 299, 305, U. S. District Court, Southern District of N. Y.—J. N. Cushing *et al. against* John Laird, the younger.—Order—J. Langdon Ward, Proctor for Libellants, 192 Broadway.—Filed April 26th, 1873. District Court of the United States for the Southern District of New York. In Admiralty. Filed the sixth day of May, 1873.

At a stated term of the District Court of the United States of America for the Southern District of New York, held in the United States Court rooms, in the city of New York, on Tuesday, the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and seventy-three.

Present, Honorable Samuel Blatchford, District Judge.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER. } 22-299.

The Marshal having returned, on the 12th dayof April, 1870 (with the amended returns thereon), the processes issued in the above-enti-

tled cause against John Laird, the younger, the respondent herein, "respondent not found within this district, credits and effects of the respondent in the hands of Foster & Thomson, his garnishees, attached on the 16th day of September, 1868," and said processes having been laid over to the 19th day of April, 1870, and being on that day again called and laid over to the 26th day of April, 1870, and being on that day again called, and proclamation having been made in open Court, and the said John Laird, the younger, respondent, having been at the above-mentioned time and place duly called in open Court, and not appearing, and the motion heretofore for default against said respondent having been renewed: It is now, on motion of J. Langdon Ward, Esquire, proctor for libellants, ordered that the default of John Laird, the younger, the said respondent, be and the same is accordingly hereby entered, as of the 26th day of April, 1870, and that John Laird, the younger, the said respondent, be decreed to pay the demands of the libellants.

And on the like motion of the proctor for the libellants, it is further ordered, that it be referred to John A. Osborn, Esq., a commissioner of this court, to ascertain and compute the amount due the libellants for spoliation and damage, and report thereon to this Court with all convenient speed. And on like motion of the proctor for the libellants, it is further ordered, that this order be made, entered and filed *nunc pro tunc*, as of the 26th day of April, 1870.

SAMUEL BLATCHFORD.

(Endorsed.)—Vol. 22, No. 299, United States District Court for the Southern District of New York, John N. Cushing *et al. vs.* John Laird, the younger. Interlocutory decree, default of respondent and order of reference. J. Langdon Ward, proctor for libellants. Filed the twenty-ninth day of April, 1873, *nunc pro tunc*, as of April 26th, 1870, *per curiam*.

Circuit Court of the United States—For the Southern District of New York.

In the Second Circuit.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

We hereby agree that the following papers shall be omitted from the Apostles on Appeal from the decree of the District Court of the United States for the Southern District of New York, made in the above cause on the 19th day of September, 1873.

1. Affidavit of J. Langdon Ward, and order for commission, filed May 2, 1873.

2. Commission in behalf of libellants, and deposition of John Currier, Jr., filed May 6, 1873.

3. Testimony and exhibits of libellants on reference to assess damages, filed August 7, 1873.

4. Commissioners' report, filed August 7, 1873.

New York, October 18, 1873.

J. LANGDON WARD,
Proctor for Libellants.

FOSTER & THOMSON,
Garnishees and Proctors, in pro per.

At a Stated Term of the District Court of the United States of America, for the Southern District of New York, held at the United States Court Rooms, in the city of New York, on the nineteenth day of September, in the year of our Lord one thousand eight hundred and seventy-three.

Present—Hon. SAMUEL BLATCHFORD, *District Judge.*

JOHN N. CUSHING AND WILLIAM CUSHING, in their own right, and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased,
vs.
JOHN LAIRD, THE YOUNGER.

The time for filing exceptions to the Commissioners' report having expired, and no exceptions thereto having been filed, on reading the report on file of John A. Osborne, Esq., United States Commissioner, to whom the above matter was referred, by which there is reported due the libellants for spoliation and damage, with interest, the sum of one hundred and forty-three thousand two hundred and ninety-eight dollars and thirty cents.

On motion of J. Langdon Ward, proctor for the libellants, it is ordered, that the report be in all things confirmed, and that the libellants recover in this action against respondent, John Laird, the younger, the amount reported due, together with their costs, to be taxed; and on like motion, it is further ordered, that a judgment be and the same is hereby entered against the said John Laird, the younger, respondent herein, for the sum of one hundred and forty-three thousand two hundred and ninety-eight dollars and thirty cents ($143,298.30), the amount reported due, together with the sum of four hundred and fifty $\frac{86}{100}$ dollars ($450.86), the taxed costs, amounting in the whole to the sum of one hundred and forty-three thousand seven hundred and forty-nine dollars and sixteen cents

(143,749.16). And that the libellants have execution thereon to satisfy this decree against the property of the said respondent, and especially against his property, credits and effects in the hands of Foster & Thomson, garnishees.

SAML. BLATCHFORD.

(Endorsed).—Vol. 22, 299-306.—United States District Court for the Southern District of New York.—John N. Cushing *et als. vs.* John Laird, the younger.—Final Decree on Confirmation of Commissioners' Report and Judgment.—J. Langdon Ward, proctor for libellants.—Filed September 19th, 1873.

U. S. District Court.

JOHN N. CUSHING *et al.*
vs.
JOHN LAIRD, THE YOUNGER.

Please to take notice that Foster & Thomson, the garnishees in the above entitled cause, appeal from the decree entered herein on the 19th day of September, 1873, and from each and every of the several orders and decrees heretofore made herein in regard to the jurisdiction of this Court, and otherwise against them to the next Circuit Court of the United States within and for the Southern District of New York.

Dated New York, September 25th, 1873.

Yours, &c.,

FOSTER & THOMSON,
Proctors and Garnishees in person.

To GEO. F. BETTS, Esq.,
Clerk.

J. LANGDON WARD, Esq.,
Proctor for Libellants.

(Endorsed)—U. S. District Court, 22, 299, 306. John N. Cushing *et al. vs.* John Laird, the younger. Notice of appeal—Foster & Thomson, Proctors and Garnishees in person—Filed September 26, 1873.

Know all men by these presents, that we, J. P. Giraud Foster and James Thomson, composing the firm of Foster & Thomson, of the city of New York, are held and firmly bound unto John N. Cushing and William Cushing, in their own right and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, in the sum of five hundred dollars, to be paid to the said John N. Cushing and William Cushing, in their own right and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, their executors,

administrators or assigns, for the payment of which well and truly to be made, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and seventy-three.

Whereas, Foster & Thomson, garnishees, as appellants, have appealed to the Circuit Court of the United States for the Southern District of New York, in the Second Circuit, from a decree of the District Court of the United States, for the said Southern District, bearing date the nineteenth day of September, 1873, and from each and every of the several orders made herein in regard to the jurisdiction of this Court, and otherwise against them, in a suit in which John N. Cushing and William Cushing, in their own right and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, are libellants, against John Laird, the younger.

Now, therefore, the condition of this obligation is such, that if the above named appellants, Foster & Thomson, shall prosecute said appeal with effect, and pay all costs which shall be awarded against them as such appellants therein, if they shall fail to make said appeal good, then this obligation shall be void, otherwise the same shall be and remain in full force and effect.

J. P. GIRAUD FOSTER.
JAMES THOMSON.

Sealed and delivered, and taken and acknowledged, this 27th day of September, 1873, before me,

EDWARD L. OWEN,
U. S. Commissioner
For the Southern District of New York.

United States of America, Southern District of New York. } ss.

J. P. Giraud Foster and James Thomson, being duly sworn, each for himself says, that he resides in the Southern District of New York; that he is worth the sum of one thousand dollars over and above all his debts and liabilities.

J. P. GIRAUD FOSTER.
JAMES THOMSON.

Sworn to, this 27th day of September, A. D., 1873, before me,

EDWARD L. OWEN,
U. S. Commissioner
For the Southern District of New York.

The foregoing bond is approved as to its form, and the sufficiency of the sureties thereto.

October 3d, 1873. SAMUEL BLATCHFORD, *D. J.*

(Endorsed.)—U. S. Circuit Court, 22, 299, 306, J. P. Giraud Foster and James Thomson, to John N. Cushing and others, Bond for costs on Appeal—Foster & Thomson, proctors and garnishees—Approved as to form, sufficiency and amount, J. Langdon Ward, Proctor for Libellants. Filed October 4, 1873.

Circuit Court of the United States—For the Southern District of New York.
Second Circuit.

JOHN N. CUSHING, WILLIAM CUSHING, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased,
vs.
JOHN LAIRD, THE YOUNGER.

To the Honorable the Circuit Court of the United States for the Southern District of New York.

The petition of appeal of Foster & Thomson, garnishees in the above entitled action, respectfully showeth:

That on or about the 16th day of September, 1868, John N. Cushing and William Cushing, two of the above named libellants, filed their libel in the District Court of the United States, for the Southern District of New York, against John Laird, the younger, in a cause of spoliation and damages, in which it is alleged, and praying among other things as therein contained that a warrant of arrest might issue against the respondent, and that if he could not be found, then that his goods and chattels, or if none could be found, then his credits and effects in the hands of these appellants as garnishees, should be attached, to which said libel these appellants pray leave to refer for its contents.

That thereafter, and on or about the 29th day of September, 1868, the said libellants filed an amended libel herein, alleging as therein contained, and for the contents of which these appellants pray leave to refer; that again, and on or about the 17th day of May, 1869, they filed a further amended libel, in which said libel the said Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, were made parties co-libellants, alleging and praying as therein contained, for the contents of which last mentioned amended libel these appellants pray leave to refer.

That the marshal to whom the attachment prayed for was delivered, having returned thereon that he had attached, or claimed to have attached, certain credits in the hands of these appellants, thereupon afterwards, and on or about the 21st of December, 1869, a motion was made and heard, on the part of these appellants, before the Honorable Samuel Blatchford, judge of said District Court, in

which, among other things, it was insisted by these appellants that the said District Court had not jurisdiction to issue the foreign attachment as in this case had been issued; and said Judge having advised thereon, did on or about the 2d day of April, 1870, make an order bearing that date, wherein and whereby, among other things, he adjudged that this Court had jurisdiction to issue such attachment as by the said order and the proceedings on said motion will, on reference thereto, more fully appear, and to which for the contents these appellants pray leave to refer.

That afterwards, and on or about the 12th day of April, 1872, these appellants as such garnishees filed their answer herein, alleging among other things as therein contained and insisting that said funds and credits in their hands did not at the time of the service of the attachment upon them belong to the said John Laird, the younger, respondent herein, and praying that said District Court would pronounce accordingly, as will more fully appear on reference to said answer, and to which for the contents these appellants pray leave to refer.

That afterwards, and on or about the 6th, 7th, and 8th days of November, 1872, the said cause came on to be tried and heard before the Hon. Samuel Blatchford, Judge of the said District Court, upon the allegations and proofs adduced by the respective parties upon the issue raised by these appellants in their said answer, and said Judge having advised thereon did, on or about the 26th day of April, 1873, make a decree bearing that date; that these appellants had in their hands at the time of the levy of the attachment herein credits and effects of the said John Laird, the younger, respondent herein, the proceeds of the steamer Wren, amounting to the sum of thirty-one thousand four hundred and forty-one $\frac{62}{100}$ dollars, and a further order bearing date the same day that these appellants do forthwith pay the same into the District Court, or give stipulation with sufficient surety to abide the further order or decree of said District Court in relation thereto, as by reference to said decree and said order will more fully appear, and for the contents of which these appellants pray leave to refer.

That afterwards, and on or about the twenty-ninth day of April, 1873, the said John Laird, the younger, respondent, not having appeared in said action, a judgment by default was entered against him *nunc pro tunc*, as of the 26th day of April, 1870, wherein and whereby, among other things it was adjudged that the libellants recover in said action against the said John Laird, the younger, respondent herein, the damages by them sustained by reason of the causes in the libel mentioned, and that it be referred to a commissioner of said court to ascertain and compute the amount of such damages, and to report thereon to that court, as by reference to said decretal order will more fully appear; that after proceeding with such reference before John A. Osborn, Esq., one of said commissioners, he made his report to said court, bearing date the sixth day of August, 1873, upon which said report, no exceptions having been filed thereto, a final decree was made and entered herein, bearing date the 19th day of September, 1873, whereby, after decreeing that

said libellants do recover of the respondent their damages and costs, amounting to $143,749.16.

It was further ordered, that they have execution against the property of said respondent, to satisfy said decree, and especially against his property, credits and effects in the hands of these appellants as garnishees.

And these appellants, for these and for other reasons, appeal from the whole of said final decree and from the decree made herein, in regard to the ownership of John Laird, the younger, in and to the property, credits and effects, in the hands of these appellants as garnishees, and also from each and every of the several orders and decrees made herein, in regard to the jurisdiction of said District Court, and otherwise against them to the next Circuit Court, to be held in the said district.

That on said appeal, they intend to seek a new decision on the facts on the proceedings and proofs in the District Court, and other proofs to be adduced in the Circuit Court, and to pray different relief.

And they pray that the said final decree, and said decree made herein, in regard to the ownership of John Laird, the younger, in and to the property, credits and effects in the hands of these appellants as garnishees, and also each and every of the several orders and derees made herein, in regard to the jurisdiction of the said District Court, and otherwise as against these appellants, may be reversed, with costs, or that such other decree be thereupon made, as the said Circuit Court shall deem just, and the said appellees be condemned to pay to these appellants their costs and damages in the premises.

And these appellants will ever pray, &c.

Dated New York, September 27th, 1873.

FOSTER & THOMSON,

Garnishees in person.

(Endorsed).—22, 299,306—U. S. Circuit Court—John N. Cushing, and others, *vs.* John Laird, the younger—Petition of Appeal—Foster & Thomson, Garnishees, in person—Service of a copy of the within petition is hereby admitted—New York, September 29, 1873, J. Langdon Ward, Proctor for libellants, 192 Broadway—Filed September 29, 1873.

District Court of the United States—For the Southern District of New York.

In Admiralty.

To the Hon. SAMUEL BLATCHFORD, Judge of the District Court of the United States for the Southern District of New York.

The petitition of Mary A. Johnson, executrix of the last will and testament of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of the estate of Thomas Pritchard, the younger, deceased,

and Elizabeth H. Pritchard, executrix of the last will and testament of William Pritchard, deceased, all of Newburyport, in the Commonwealth of Massachusetts, respectfully showeth:

I. That the said Henry Johnson, Thomas Pritchard, the younger, and William Pritchard, in their lifetime, and on the twenty-sixth day of December, 1863, were part owners of the ship *Sonora*, their respective interests therein being in the proportions and to the extent following, that is to say:

The said Henry Johnson was the owner of five-thirty seconds of the said ship; the said Thomas Pritchard, the younger, was the owner of five thirty-seconds of the said ship; and the said William Pritchard was the owner of one thirty-second of said ship.

II. That the said Henry Johnson, Thomas Pritchard, the younger, and William Pritchard have since deceased, and your petitioners have been appointed and have duly qualified as executrices and administratrix, respectively, of their several estates, of which the several interests of the said deceased in the said ship, called the *Sonora*, formed, and still form a part.

III. That heretofore, and on the 26th day of December, 1863, the said ship *Sonora*, then being on a lawful and peaceful voyage upon the high seas and within the flux and reflux thereof, was plundered and then burned and utterly destroyed by a certain armed piratical cruiser, called the *Alabama*, theretofore wrongfully and in direct violation of the laws of the Kingdom of England, built, fitted out and equipped by John Laird, the younger, of Birkenhead, in the King of England, aforesaid, shipbuilder, for the purpose of preying upon the commerce of citizens of these United States.

IV. That heretofore, and on or about the sixteenth day of September last, John N. Cushing and William Cushing, together representing the ownership of the remaining portion of the said ship *Sonora*, filed in this court their libel against the said John Laird, the younger, in a cause of spoliation and damage, civil and maritime.

V. That on the said 16th day of September last, process of foreign attachment was issued, directing the Marshal of the United States, among other things, to attach the credits and effects of the said John Laird, the younger, in the hands of Foster and Thomson, and of the Assistant Treasurer of the United States, garnishees, known as the proceeds of the steamer *Wren;* that said process was returned on the 29th day of September last, but that no appearance was entered on the part of the said defendant, or of the said garnishees; that on that day an amended libel in the same cause was filed, and a supplemental process was issued commanding the marshal aforesaid to attach the goods, credits, and effects of the said defendant in the hands of the said garnishees as aforesaid.

VI. That the interests of your petitioners in the said suit are of the same nature with those of the libellants therein, and that they are

ready, able, and willing to bear their share of the expenses thereof, and that the said libellants, John N. and William Cushing, are willing that your petitioners should be joined as parties libellant in the said suit, and that the libel therein should be amended so as to include the interests of your petitioners.

Wherefore, your petitioners humbly pray that they may be made parties libellant to the said suit, together with the said John N. and William Cushing, and that the libel in said suit may be further amended so as to conform to the facts as may be necessary, and that new or supplementary process may issue therein, directing the marshal aforesaid to attach so much of the goods, credits, and effects of the said John Laird, the younger, in the hands of the garnishees aforesaid as may cover the claim of these your petitioners, and do all such other things in the premises, as by law and the course and practice of courts of admiralty and of this Honorable Court in civil causes of admiralty and maritime jurisdiction, are necessary and proper to be done.

And your petitioners will ever pray, &c.

MARY A. JOHNSON,
KETURAH M. PRITCHARD,
ELIZABETH PRITCHARD.

Per pro.
J. LANGDON WARD, *their Attorney.*

United States of America, Southern District of New York, ss:

On the 14th day of May, 1869, before me personally appeared J. Langdon Ward, of the city of New York, and being by me duly sworn, made oath that he is attorney in fact for the above named petitioners; that the said petitioners do not and neither of them does reside in the Southern District of New York, or within one hundred miles thereof, and are not and neither of them is at present, within the said Southern District of New York, or within one hundred miles thereof, to the knowledge of deponent; that he is authorized by said petitioners, to present said petition, and to verify the same; and that said petition is true.

JOHN A. OSBORN,
U. S. Comr.

(ENDORSED.)

22,299, D. C. U. S. S. D. N. Y., In Admiralty.—John N. Cushing, *et al. agst.* John Laird, the younger.—Petition of Mary A. Johnson, *et al.*—J. Langdon Ward, Proctor, 192 Broadway.

Filed May 17th, 1869.

Circuit Court of the United States—Southern District of New York.

JOHN N. CUSHING AND WILLIAM CUSHING, in their own right, and as Executors of Nicholas Johnson, deceased; Mary A. Johnson, Executrix of Henry Johnson, deceased; Keturah M. Pritchard, Administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, Executrix of William Pritchard, deceased,

vs.

JOHN LAIRD, THE YOUNGER.

BILL OF EXCEPTIONS.

The above entitled cause came on for trial, in the city of New York, before the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of United States, temporarily assigned to hold the Circuit Court of the United States in and for the Southern District of New York, in the Second Circuit, on the 29th day of May, in the year of our Lord 1878, on the appeal of the garnishees, Foster & Thomson, from the final decree of the District Court of the United States for the Southern District of New York, in the said cause, entered on the 19th day of September, 1873, and from each and every of the said orders and decrees, theretofore made herein, in regard to the jurisdiction of the said District Court or otherwise against them.

The counsel for the libellants moved to dismiss the appeal for irregularity and for want of jurisdiction in the Court to entertain the same. The counsel for the appellants opposed the motion, and the Court thereupon reserved its decision until the final disposition of the cause, and directed the trial to proceed.

The counsel for the libellants read the libel of the libellants, and the counsel for the garnishees read the answer of the garnishees, all as they are contained in the apostles in the said cause transmitted from the District Court to the said Circuit Court. The counsel for the libellants, to maintain the issues on their behalf, read the certified copy of the transcript of the record in the case in the Supreme Court of the United States, entitled "The Steamship Wren and Cargo, Edward C. Stiles, Master and Claimant, *vs.* The United States," with the certificate of the clerk thereto annexed as the same were presented in the District Court, and as they are found in the said apostles, transmitted from the said District to the said Circuit Court, the garnishees objecting to admission of transcript of record as irrelevant on question of private rights, as between Prioleau & Laird, and objecting also to the reading of the evidence in the record, for the purpose of interpreting the decree of reversal therein contained.

Counsel for libellants read briefs of counsel on both sides in the same case in the Supreme Court of the United States, and the certificate of the clerk annexed, so far as it covered them, as the same were presented in the District Court, and as they are found in the said apostles transmitted from the said District Court to the said Circuit Court, the counsel for the garnishees objecting that the same were in-

admissible for the purpose of interpreting the decree of the Supreme Court.

Counsel for the libellants then read an exemplified copy of the record of the District Court of the United States for the Southern District of Florida, in a cause entitled "The United States *vs.* The Steamer Wren," including proceedings had before and after the appeal to the Supreme Court, as the same were presented in the District Court, and as they were on page 209 and following, found in the said apostles transmitted from the said District Court to the said Circuit Court.

Counsel for the libellants read the opinion of the Supreme Court of the United States in the case of "The Wren," as the same was presented to the District Court and as it is found in the sixth volume of Wallace's Reports of cases argued and adjudged in the Supreme Court of the United States at pages 586, 587, and 588; counsel for the garnishees objecting to the last exemplified copy, record and proceedings, and the aforesaid opinion of the Court as irrelevant on the question of private right or title.

Counsel for the libellants read the exemplified copy of the record of the District Court of the United States for the Southern District of Florida, in a cause entitled "John N. Cushing and William Cushing, executors of Nicholas Johnson, deceased; Mary A. Johnson, executrix of Henry Johnson, deceased; Keturah M. Pritchard, administratrix of the goods, chattels, and credits of Thomas Pritchard, the Younger, deceased; and Elizabeth H. Pritchard, executrix of the last will and testament of William Pritchard, deceased, against John Laird, the Younger," as the same was presented to the District Court, and as it is found in the same apostles transmitted from the said District Court to the said Circuit Court, counsel for the garnishees objecting to its relevancy on the question of title.

Counsel for the libellants read the letter from Foster & Thomson to J. Langdon Ward, dated February 24th, 1869, as the same was presented to the District Court, and as it is found in the said apostles transmitted from the said District Court to the said Circuit Court.

Counsel for the libellants then read the testimony of J. Langdon Ward, with the letters from J. Langdon Ward to Winer Bethel, dated March 12th, 1869; the copy of letter from Foster & Thomson to F. A. Dockray, dated March 13th, 1869, therein enclosed; the telegram from J. Langdon Ward to Winer Bethel, dated May 8th, 1869; and the letter of J. Thomson to J. Langdon Ward, dated March 9th, 1869, as the same were given in and presented to the District Court, and as they are found in the apostles transmitted from the said District Court to the said Circuit Court, and thereupon the libellants rested.

The counsel for the garnishees, before proceeding further on the trial, submitted preliminary objections, as follows:

1. That the Court below had not any, and this Court has no jurisdiction to proceed in this suit by foreign attachment on behalf of libellants, residents of Massachusetts, against an alien, resident in Great Britain, for the causes of action alleged in the libel.

2. The libellants having put the garnishees to their oath, on in-

terrogatories respecting the credits in their hands, and they having denied the possession of any credits or effects of the respondent, and their answers having disclosed an adverse claim to said proceeds of the Wren, the garnishees should thereupon have been dismissed, and should now be dismissed.

The counsel for the garnishees then offered to read the special interrogatories propounded to the garnishees by the libellants, and the answers of the garnishees, as they appear in the apostles. The libellants objected to the reading as evidence in the cause, and they were admitted only for the purpose of showing that the interrogatories had been propounded and answered, and what the answers contained.

The counsel for the garnishee's appellants then, to maintain the issues on their part, read the testimony of James Thomson, on his direct examination, as given in the District Court, subject to the objection by the libellants, that the record is an estoppel, and shows that Foster & Thomson received the money (the proceeds of the sale of the steamer Wren and cargo) as the money of Laird, and are estopped by their subsequent action from showing it was not the money of Laird §§ 45, 55, and 57 of the Merchants' Shipping Act, 17 and 18 Victoria, chap. 104, and §107 of the same act. Also the bill of sale of the Wren to Charles K. Prioleau, dated January 3, 1865, and the certified copy of the registry of the Wren, and entries on the face of register of such bill of sale made in pursuance of statutes above cited (which last two papers were received subject to the objection that they are immaterial and incompetent because of estoppel, and because record cannot be contradicted), as presented to the District Court, and found in the said apostles transmitted from the said District Court to the said Circuit Court.

The counsel for the libellants read the cross-examination of James Thomson, and counsel for the garnishees read his re-direct examination, and the letter of Foster & Thomson to Dockray, dated January 5, 1869; the letter of Dockray to Foster & Thomson, dated January 11, 1869; the letters of Foster & Thomson to Dockray, dated January 26, 1869, March 13, 1869, March 24, 1869, March 25, 1869, May 7, 1869, and May 21, 1869; the letters of Dockray to Foster & Thomson, dated March 18, 1869, March 26, 1869, May 10, 1869, and May 11, 1869; the telegrams from Foster & Thomson to Dockray, dated May 3, 1869, and May 10, 1869, and from Dockray to Foster & Thomson, dated May 9, 1869, and May 12, 1869; also draft of Dockray on Foster & Thomson, for $1,071, dated May 10, 1869, as the same were given in and presented to the District Court, and are found in the said apostles transmitted from the said District Court to the said Circuit Court.

Counsel for garnishees' appellants offer in evidence certified copies of papers from the files of the State Department, contained in a pamphlet, a copy of which is hereto annexed, marked "A."

Counsel for the libellants objected that the evidence was immaterial to the issue raised by the pleadings, that it had not been properly taken under the rules of the Court to be admissible.

Counsel for the garnishees' appellants then asked the Court to con-

sider a motion made upon a former hearing of the cause before the late Circuit Judge, on the 25th October, 1877, for leave to amend their answer, as follows:

The said garnishees, confirming and reiterating all the grounds of defense heretofore made and set up, as they now stand in the cause, allege as a further and additional ground of defense, that, as they are informed and believe, the libellants herein, in or about the month of November, 1874, presented to the Court of Alabama claims for adjudication and payment, their claims and demands for the same alleged causes of action set up in the libel herein, and that such proceedings were thereupon had in said Court, that thereafter the said claims were allowed, and judgment given therefor, and that thereafter the same were paid from the moneys recovered therefor from the British Government; and such payments were accepted by the said libellants in full settlement and discharge of said claims; and also that said presentation, adjudication, payment, and settlement of said claims came under the provisions of the Treaty of Washington, of May 8th, 1871, between the Queen of Great Britain and Ireland and the United States of America.

And also in addition, for a further ground of defense, allege that the assumption and provision, made pursuant to the award of the arbitrators by the British Government, for the payment of the said claims made by the libellants as against the British Government, or any of its subjects, by which the libellants are barred from the prosecution thereof.

FOSTER & THOMSON,
Garnishees.

FOSTER & THOMSON,
Proctors pro. per.

Southern District of New York, ss:

On this 25th day of October, 1877, before me personally came James Thomson, the above named, and made oath that he is one of the firm of Foster & Thomson, the garnishees, and that the allegations to the above, by him subscribed, are true, as he is informed and believes.

JAMES THOMSON.

Subscribed and sworn to before me the 25th day of October, 1877.

JOHN A. SHIELDS,
United States Commissioner.

And it appearing that the late Circuit Judge, when the motion was made, ordered that the "amendment be allowed, subject to final decision."

The Court thereupon made the following order:

After hearing counsel for the respective parties, it is ordered that the motion of the appellants to amend their answer, made October 25th, 1877, stand for hearing in the same manner it did before Judge Johnson at the time of his death, and that the testimony under the amendment be received, subject to the final determination of the motion.

To which ruling and order the counsel for the libellants duly excepted.

The objection by the libellants that the evidence offered had not been properly taken under the rules of the Court to be admissible, was overruled, and the libellants duly excepted.

Counsel for the garnishees then read the evidence contained in "Exhibit A."

The counsel for the libellants then presented the following proposed findings of fact and conclusions of law, and requested the Court to make and find the same.

United States Circuit Court—Southern District of New York.

JOHN N. CUSHING
vs.
JOHN LAIRD, THE YOUNGER.

FINDINGS OF FACTS PROPOSED BY THE LIBELLANTS, APPELLEES.

I.

On the 16th of June, 1865, the United States filed a libel in Admiralty in the District Court of the United States for the Southern District of Florida, against the steamer Wren and her cargo, alleging therein that certain persons, citizens of the United States, on the 12th June, 1865, captured the Wren and her cargo, on the high seas, as prize of war; that the captured property had been brought into Key West, in said District, and that it was lawful prize of war, and subject to condemnation and forfeiture as such, and praying a condemnation of the property.

II.

An attachment was thereupon issued out of said Court against the Wren and her cargo, and was returned duly executed. A monition in the usual form was also issued, returnable June 27th, 1865, and was returned duly executed.

III.

On the 26th June, 1865, a claim and answer, signed "Edward C. Stiles, Master British Steamer Wren," and duly verified, was filed in the cause. It said: "And now comes Edward C. Stiles, and says that he is the master of the said steamer Wren, and, as such, is the lawful bailee of said steamer, her tackle, apparel, and furniture, and claims the same for the owner thereof, and he further says that John Laird, a lawful British subject, residing in England, is the true and *bona fide* owner of such steamer, and that no other person is the owner thereof, as appears by the register of said steamer now in possession of the Court, and as he is informed and believes." The answer also denied that the steamer was a prize of war, averred that she had no cargo,

and prayed restitution. A certificate of registry was found on board of the Wren at the time of her seizure, dated at Liverpool, December 24th, 1864, signed by a Registrar, which specified December 24th, 1864, as the date of registry, and stated that the Wren was British built, was built by Laird Brothers at Birkenhead in 1864, that her port of registry was Liverpool, that John Laird, the younger, of Birkenhead, ship-builder, was the owner of the whole of her, and that William Raisbeck was her master.

IV.

On the 15th August, 1865, a degree was made in the cause, as follows: "A claim having been interposed for this vessel and cargo by Edward C. Stiles, master of said vessel, for and on account of John Laird, the younger, a British subject, and this cause having been heard on the libel, and proofs and testimony taken *in preparatorio* and pleadings of the claimant, and all due proceedings having been had, and the Court being fully advised in the premises, and it appearing to the Court that the said steamer Wren, her tackle, apparel, furniture, and cargo, were, at the time of capture, the property of enemies of the United States, it is now ordered, adjudged and decreed, that the said steamer Wren, her tackle, apparel, furniture, and cargo be condemned and forfeited to the United States as lawful prize of war." The decree further ordered a sale of the property.

V.

The main question at issue in this prize cause was whether the Wren belonged to Laird, a subject of Great Britain, residing in Liverpool, and was *bona fide* neutral property, or whether she was really the property of the government of the Confederate States, or of the firm of Frazer, Trenholm & Co., acting for and representing such government.

VI.

Charles Kuhn Prioleau, at the time of the capture of the Wren and at the time of retaining Foster & Thomson, was, and for a long time, had been, a member of the firm of Frazer, Trenholm & Co. This firm were the agents of the Confederate States, of which a majority of their members were citizens.

VII.

From the decree of the Prize Court an appeal was taken to the Supreme Court of the United States.

VIII.

At or about this time Messrs. Foster & Thomson, these garnishees and appellants herein, were retained by Charles Kuhn Prioleau, to attend to and prosecute this appeal. They forthwith procured the

transmission of the record to the Supreme Court; made the necessary deposit of money with the clerk of that Court; retained Edwards Pierrepont, Esq., as counsel; procured for and delivered to him a copy of the record, and were in constant consultation and communication with him touching the case, in the usual way between attorneys and their counsel.

IX.

On the 16th October, 1865, a writ of sale was issued under which the vessel was sold. The proceeds of the sale, amounting to $37,108.50 were deposited with the Assistant Treasurer of the United States at New York.

X.

On the argument of the appeal in the Supreme Court, the Government claimed and insisted that the Wren was the property of Frazer, Trenholm & Co., a firm whose members, or a portion of them, were citizens of, and who were agents for, the so-called Confederate (or rebel) States, and was, therefore, enemy property.

XI.

On the other hand it was denied on behalf of the claimant by these garnishees through their counsel, that the vessel was so owned, and it was represented, urged and insisted that the Wren was the property of John Laird, the younger, the respondent herein, and was, therefore, not enemy property.

XII.

The Supreme Court decided that the Wren was the property of John Laird, Jr., the respondent herein, and was, therefore, not enemy property. It reversed the decree of the Prize Court, directed that Court to restore the vessel and cargo, and commanded it "that such further proceedings be had in the case in conformity to the opinion and decree of the Supreme Court as ought to be had."

XIII.

Foster & Thomson received the mandate of the Supreme Court, drew a power of attorney to be executed by Laird & Stiles, constituting Foster & Thomson "their attorneys, to receive and collect from the United States Government, or any branch or officer thereof, or any depositary thereof, any and all moneys, the avails or proceeds of the sale of the steamer Wren and her cargo, sold under decree of the District or Circuit Court of the United States at Key West in the Southern District of Florida, by the Marshal of the United States for the said district, the said decree having been reversed by the Supreme Court of the United States on appeal, and this power having been given to our said attorneys for receiving restitution of the avails of the said steamer Wren and her cargo," and sent it to Prioleau with

instructions to procure its execution by Laird & Stiles and return it to them. This he did. The power of attorney bears date July 2d, 1868.

XIV.

On the 28th of December, 1868, certain of the libellants in this cause filed in the District Court of the United States for the Southern District of Florida, a libel in admiralty against John Laird, the younger, for the same cause of action that it sued on in this cause, and praying the same relief. On the 7th of January process was issued against Laird in that cause, bailable in $44,622, and returned "not served." On the 20th of February process of attachment was issued against "the proceeds of the sale of the steamer Wren, now on deposit with the Assistant Treasurer of the United States in the City of New York, and subject to the order of this Court," returnable May 3, 1869, which was executed by serving a copy on the Assistant Treasurer of the United States at New York on the 4th of March, 1869. A monition was at the same time issued against Laird, also returnable May 3, 1869, which was returned as served by publication in a newspaper published at Key West, and by posting there.

XV.

On the 5th January, 1869, Foster & Thomson retained F. A. Dockray to attend to such further proceedings as might be necessary in the Florida Court to secure the proceeds of the Wren, representing to him that Laird (for whom they were acting under power of attorney) was the owner of the vessel, and giving him to understand that he was retained for Laird. They further directed Dockray to move to set aside the process against Laird in the cause last mentioned, deprecating a "general appearance" for reasons given, and suggesting a "special appearance" only.

XVI.

Negotiations took place between Foster & Thomson and Mr. Ward, who represented the libellants in the Florida suit against Laird, and who represented also the libellants in this cause, respecting a disposition of the Wren proceeds which should transfer them to the city of New York, in such manner that process of attachment in this suit should be served on them.

XVII.

On the 24th February, 1869, Foster & Thomson wrote Ward suggesting that the District Judge in Florida should forward to them his check on the Assistant Treasurer in New York for the proceeds of the Wren, and that they should draw the funds under their authority from the "*claimants, Laird & Styles*," and keep them in their hands sufficiently long to enable Mr. Ward to serve upon them such process or papers as he might be advised.

XVIII.

This proposition Mr. Ward accepted, and on the 12th of March, 1869, he wrote to Mr. Bethel, his attorney at Key West, directing him "to make no objection to the forwarding by the Judge to Foster & Thomson of the check for the proceeds of the Wren in accordance with the mandate of the Supreme Court," and saying "until otherwise advised hold the suit where it is, staying further proceedings for the present, but do not discontinue. If necessary to enable the Court to forward the check, stipulate as may be proper. I inclose a copy of a letter from Messrs. Foster & Thompson to their attorney" (their letter of March 13th, to Mr. Dockray, next mentioned), "for your information. Advise me by telegraph the day the check leaves Key West."

XIX.

On the 13th March, 1869, Foster & Thomson wrote to Mr. Dockray advising him that Mr. Ward had decided to make no objection to the forwarding by the Judge to them of his check for the money, and inclosing to him a copy of the letter of the 12th of March, from Mr. Ward to Mr. Bethel, and directing him to obtain the check payable to their order and forward it to them.

XX.

On the 18th of March, 1869, Mr. Dockray, who was Attorney of the United States for the Southern District of Florida, wrote Messrs. Foster & Thomson, saying: "In the case of the steamer Wren, John Laird, owner, etc., I would have written you several weeks ago if I was at liberty to take any action in your interest. While representing the Government and bound by the instructions of the Attorney-General, it has not been possible for me to serve you as indicated in yours of of the 5th of January. Before the mandate of the Supreme Court of the United States reached the Clerk of the Court at Key West, the acting United States Attorney had filed a petition in a cause of possession against the proceeds of the sale of the Wren, the monition being returnable December 1st, 1868." * * * "I am precluded at present from taking any steps without further directions."

XXI.

On the 25th March, 1869, Foster & Thomson wrote to Mr. Dockray saying that they had been informed that directions had been sent from the office of the Attorney-General to discontinue the suit brought in behalf of the United States against the proceeds of the Wren, and adding: "These directions, together with the withdrawal of opposition by the Messrs. Cushing, will no doubt enable you to obtain and forward the Judge's check to our order."

XXII.

On the 26th March, 1869, Mr. Dockray wrote Foster & Thomson

that he should move to set aside the process and attachment in the suit brought by these libellants against Laird, in Florida, for want of jurisdiction.

XXIII.

On the 13th April, 1869, Dockray filed in the District Court in Florida, the mandate of the Supreme Court, and also a certified copy of the power of attorney from Laird & Stiles to Foster & Thomson.

XXIV.

On the 8th of May, 1869, Mr. Ward telegraphed to Mr. Bethel directing him to consent absolutely to forwarding to Foster & Thomson the Judge's check for the proceeds of the Wren, drawn to their order, and to require no bond or stipulation.

XXV.

On the same 8th of May, Mr. Dockray, in the Prize Court in Florida, in the prize case as "attorney and proctor for John Laird, claimant," exhibited to the Court the mandate of the Supreme Court and moved for a final decree in accordance with the requirements of the mandate.

XXVI.

On the same day, in the suit in Florida brought by these libellants, a paper was filed in the Court entitled in such suit, signed "John Laird, by F. A. Dockray, attorney and proctor," and reading, "And now comes John Laird, the respondent in this cause, and makes his general appearance herein, and claims the proceeds in the registry of this Court as attached in this suit."

XXVII.

The record of the Court shows that such appearance and claim was filed by Laird.

XXVIII.

On the same day, in the same suit, a paper was filed in the Court entitled in the suit and signed "John Laird, by F. A. Dockray, attorney and proctor," and reading: "And now comes John Laird, by his attorney and proctor, F. A. Dockray, and moves the Court for an order dissolving the attachment herein."

Appended to and filed with this paper was a consent signed by Mr. Bethel's firm, as proctors for the libellants, consenting to such motion "absolutely and without stipulation or bond."

XXIX.

On the 10th May, 1869, in the same suit, an order was entered, entitled in the suit, reciting that "John Laird, respondent herein, by F. A. Dockray, his attorney and proctor, "had moved for a dissolution

of the attachment, and that the libellants, by their attorneys and proctors, had in writing filed, consented thereto, absolutely and without stipulation, or bond, and ordering "that the attachment issued out of this Court upon the proceeds of the sale of the steamer Wren, now on deposit with the Assistant Treasurer of the United States at New York, be dissolved."

XXX.

On the same day, in the Prize Court in Florida, a decree was entered, which, after reciting the former decree, the appeal to the Supreme Court, and the action of that Court, the filing of its mandate, etc.

"On motion of F. A. Dockray, attorney and proctor of John Laird, claimant," decreed that the remainder of the proceeds of the steamer Wren, amounting to $31,441.62, on deposit with the Assistant Treasurer of the United States at New York, and subject to the order of the Court, "be paid to the said John Laird, claimant," and further, after stating that it appeared to the Court "that Foster & Thomson, of the City of New York, are the lawfully authorized attorneys in fact of the said John Laird, claimant," decreed "that the said proceeds be paid to the said Foster & Thomson."

XXXI.

Thereupon two checks, viz.: No. 199 for $29,869.62, and No. 200 for $1,572, were drawn in favor of Foster & Thomson of New York, attorneys for Laird & Stiles, as against the proceeds of the steamer Wren, on deposit with the Assistant Treasurer of the United States in New York, which checks were delivered to F. A. Dockray, Esq., attorney for Foster & Thomson, and attorney in fact for John Laird, and his receipts therefor taken. The receipt was entered in the prize suit, and is signed F. A. Dockray, attorney for Foster & Thomson of New York, attorney in fact for John Laird, claimant, and is a receipt for the two checks as drawn by the Judge on the Assistant Treasurer, and payable to the order of Foster & Thomson as above set forth.

XXXII.

On the 10th May, 1869, Dockray wrote to Foster & Thomson, inclosing to them the two checks, and advising them that he would write to them next day in full, and send to them certified copies of the proceedings had on the dissolution of the attachment. That letter and the two checks were received by Foster & Thomson on the 19th May, 1869, and on that day the amount of the larger check of the two was paid to Foster & Thomson by the Assistant Treasurer. After the larger check had been paid, Foster & Thomson received from Dockray a letter, dated May 11th, 1869, advising them that he had induced Mr. Bethel's firm to consent to the motion for dissolution of the attachment, by himself agreeing to enter a general appearance for Laird, and stating his reason for so doing, and sending to them a certified copy of the proceedings.

XXXIII.

The amount of the smaller check was paid to Foster & Thomson a few days afterwards.

XXXIV.

The funds so in the hands of Foster & Thomson are the funds which have been attached in this suit as the funds of the respondent Laird.

XXXV.

The District Court in Florida condemned the Wren as a lawful prize of war, on the ground that she was the property of enemies of the United States. The Supreme Court reversed that decree, and found, and was necessarily obliged to find, that the Wren was the property of Laird, the claimant. Foster & Thomson actually prosecuted the appeal in the Supreme Court, and procured that Court and the Prize Court to declare that the averment of ownership in Laird, made in the claim and answer in the prize suit, was true, and that the steamer Wren, at the time of her capture and condemnation, belonged to John Laird, the younger, the respondent in this suit. The proceeds of the Wren, now under attachment in this cause, were received by the garnishees as the property of John Laird, the younger, the respondent in this cause, and are the property of said Laird.

XXXVI.

The proceeds of the Wren were duly attached in the United States District Court in Florida as the property of John Laird, Jr., in the suit brought there in behalf of the libellants herein.

XXXVII.

Foster & Thomson procured the consent of Mr. Ward to the discharge of that attachment, by representing to him that they were the agents of John Laird, Jr., and that the funds when in their hands would be subject to the attachment in this suit if served upon them in like manner, as such funds were already under attachment in the Court in Florida.

XXXVIII.

Mr. Ward gave the consent to the discharge of that attachment, in reliance upon that representation.

XXXIX.

In all the negotiations between Foster & Thomson and Mr. Ward, the former gave the latter to understand that they were acting for Laird & Stiles, and they did not in any manner intimate that they

were acting for Prioleau, or that Prioleau claimed to be interested in said funds, until after the service of the attachment in this cause.

XL.

The sole object, as represented by Foster & Thomson, and agreed to by Mr. Ward, of the dissolution of the attachment in the District Court in Florida, and the receipt of the money by Foster & Thomson, was to transfer the litigation to this District, and not in any wise to prejudice the rights of the libellants in reference to said fund.

PROPOSED CONCLUSIONS OF LAW.

I.

That the Prize Court in Florida condemned the Wren as enemy property.

II.

That the Supreme Court in reversing that decree decided that the Wren was not enemy property, but was the property of John Laird, Jr.

III.

That the garnishees, acting for Prioleau, procured the Supreme Court to make that decision.

IV.

That Prioleau is chargeable with notice of all the proceedings in the Prize Court and in the Supreme Court.

V.

That the proceeds of the Wren in the Prize Court were subject to the attachment served upon them in the District Court of Florida at the time when the consent of the libellant's proctor to the dissolution of such attachment was obtained.

VI.

That the decision of the Supreme Court binds the garnishees herein and Prioleau, and is conclusive against them and cannot be re-examined in this suit.

VII.

That Prioleau is estopped from denying in this suit that John

Laird, Jr., was the owner of the Wren, and of the proceeds thereof, when the same were attached herein.

VIII.

That the garnishees are estopped from setting up that these funds in their hands are not subject to the attachment in this suit; and also, from setting up that John Laird, Jr., was not the owner thereof, or that Prioleau was the owner thereof, when the attachment herein was served.

J. LANGDON WARD,
Proctor for Libellants, Appellees.

ROBERT D. BENEDICT,
of Counsel.

Thereafter and on the 13th day of September, 1878, the said Chief Justice made and filed the following findings of fact and conclusions of law:

Circuit Court of the United States—Southern District of New York.

JOHN N. CUSHING *et al.*,
Libellants and Appellees,
vs.
JOHN LAIRD, THE YOUNGER.

FACTS FOUNDED BY THE COURT.

1. The steamer Wren was built at Birkenhead, England, in the year 1864, by Laird Bros., and registered at Liverpool, England, in accordance with the laws of Great Britain, December 24, 1864, in the name of John Laird, Jr., as owner. A certificate of this registry was issued in due form, and the vessel sailed from Liverpool, having the certificate on board as part of her ship's papers.

2. On the 3rd of January, 1865, after the vessel had left Liverpool John Laird, Jr., executed and delivered a bill of sale, in due form of law, whereby he conveyed her with her tackle, etc., to Charles Kuhn Prioleau, of Liverpool, a member of the firm of Fraser, Trenholm & Co., for the consideration of £15,450, and, on the 1st day of May, 1865, this bill of sale was duly entered at the Custom House in Liverpool, and the vessel registered in the name of Prioleau as owner.

3. On the 13th June, 1865, while on a voyage from Havana to Liverpool, by the way of Halifax, Nova Scotia, a portion of the crew took forcible possession of the vessel, overcame her officers, and ran her into Key West, where they delivered her to the naval authorities of the United States.

4. On the 16th of the same month of June, the Attorney of the United States for the Southern District of Florida filed in the District Court for that District a libel of information against the steamer, as prize of war, in the words and figures following, to wit:

District Court of the United States, for the Southern District of Florida.—In Admiralty.

THE UNITED STATES
vs.
THE STEAMER WREN AND CARGO. } Prize.

To the Honorable Thomas J. Boynton, Judge of the District Court of the United States for the Southern District of Florida.

The libel of Homer G. Plantz, Attorney of the United States for the Southern District of Florida, who libels for the United States, and for all parties in interest against the steamer Wren and cargo, in a cause of prize, alleges that Charles W. Gilley and other citizens of the United States, did, on the twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-five, subdue, seize, and capture on the high seas, as a prize of war, the said steamer Wren and cargo, and that said captured property has been brought into the port and harbor of Key West, in the State of Florida, where the same now is, within the jurisdiction of this honorable Court, and that the same is lawful prize of war and subject to condemnation and forfeiture as such.

Wherefore the said Attorney prays that the usual process of attachment in prize cases may issue against said captured property; that monition may issue citing all parties having or claiming any interest or property in said captured property to appear and claim the same; that the nature, amount, and value of the said property may be determined; that due and proper proofs may be taken and heard; and that all due and proper proceedings being had, the said captured property may, on the final hearing of this cause by the definitive sentence of this Court, be condemned, forfeited and sold, and the proceeds distributed according to law.

(S'gd) HOMER G. PLANTZ,
U. S. Attorney Southern Dist. of Fla.

5. On the same day the Court ordered "that attachment and monition be issued as prayed, returnable on Tuesday, June 27, 1865," and under this order, the vessel, her tackle, &c., were taken into the custody of the Marshal for the District and held for condemnation, and all persons interested cited to appear on the day named and show cause, if any they had, against such a decree.

6. On the 26th of June, Edward C. Stiles, master of the vessel, appeared in Court and filed a claim to the vessel, &c., in the words and figures following, to wit:

United States District Court—Southern District of Florida.—In Admiralty.

UNITED STATES
vs.
STEAMER WREN AND CARGO. } Prize.

And now comes Edward C. Stiles, and says that he is the master of

the said steamer Wren, and as such is the lawful bailee of said steamer, her tackle, apparel, and furniture, and claims the same for the owner thereof.

And he further says that John Laird, a lawful British subject, residing in England, is the true and bona fide owner of said steamer, and that no other person is the owner thereof, as appears by the register of said steamer now in the possession of the Court, and as he is informed and believes.

And he further says that the said steamer had no cargo when seized.

And he further says that he denies that said steamer is a prize of war.

And he further prays restitution of said steamer, her tackle, apparel, and furniture, and that this honorable Court will award such damages as shall appear to have been incurred and suffered by reason of the unlawful seizure and detention of the same, and grant such other and further relief as to the Court may seem meet and just.

And he will ever pray, &c.

(Sig'd) EDWARD C. STILES,
Master British Steamer Wren.

(Sig'd) SAMUEL WALKER,
Proctor.

Sworn and subscribed before me this 26th day of June, 1865.

(Sig'd) GEO. D. ALLEN, *Clerk.*

Southern District of New York, ss.

Edward C. Stiles being duly sworn, deposes and says: That he is the master of the British steamer Wren, and is the claimant named in the above claim; that he knows the contents thereof, and that the matters and allegations therein contained are true in manner and form as therein set forth, and that his knowledge of the same was acquired by his relationship to said steamer as master thereof; that on the 12th day of June, A.D. 1865, the said steamer left the port of Havana, Cuba, bound to Liverpool, England, via Halifax, Nova Scotia; that while on the voyage to the said port, about 1½ o'clock, A.M., June 13th, a portion of the crew of said steamer mutinied, and this claimant was put in irons by the mutineers, two of whom entered his room when he was asleep and overpowered him, one holding a pistol to his head; that about the same time, as he is informed and believes, his first and second officers were also put in irons and the purser arrested, and that when the mutiny occured Mr. Duggan, the third officer, and Mr. Wilson, the third engineer, were on duty; that this claimant and the said steamer were then brought into the port of Key West, where the said steamer was delivered over to the Prize Court by a Mr. Gilley, who at the same time took from the person of this claimant the ship's papers; that this claimant, his first and second officers, and purser, were then taken from the said steamer and imprisoned in Fort Taylor; that this claimant was afterwards

taken before the Prize Commissioner and required to give evidence, and that he answered under protest.

(Signed) EDWARD C. STILES,
Master Steamer Wren.

Sworn and subscribed before me this 26th day of June, 1865.

(Signed) GEO. D. ALLEN, *Clerk.*

7. On the 17th, 19th, and 20th days of June, the depositions of the master of the vessel, Stiles; the purser, McGahan; the first mate, Long; and the third mate, Duggan, were taken *in preparatorio*. On the 27th of June, Stiles, by his proctor, moved the Court to strike out the deposition of Duggan, as he was named as one of the captors, in the letter of the captors addressed to the Admiral commanding at Key West, and filed in the cause. This being refused, the Court proceeded to hear the cause "upon the allegations and pleadings, the depositions taken *in preparatorio*, and the papers, letters, and writings found on board the vessel." On the 29th of June, the Court, upon its own motion, directed the Prize Commissioner to take immediately the testimony of the master, purser, and first mate of the vessel, and of any other witnesses that might be produced by the claimant from the persons on board the vessel, upon certain specific interrogatories; of Charles W. Gilley and John Howard, and any other witnesses produced by the captors, from persons on board, upon the first two of the interrogatories to be propounded to the witnesses produced from those on board by the claimant; and of any witnesses produced either by the government or the claimant, from persons not on board, upon certain other interrogatories. Two days were allowed parties to produce witnesses.

8. Testimony was taken under the authority of this order, and on the 3d of July the Court resumed the hearing "upon the allegations and pleadings, the depositions taken *in preparatorio*, and the papers, letters, and writings found on board, * * * and depositions under orders allowing further proof." The only certificate of registry found on board was that granted December 24, 1864, upon which were noted at the British Consulate, Havana, changes of masters, March 24, 1865, and June 10, 1865; at the foot of this certificate was a note as follows:

> "NOTE.—A certificate of the Registry granted under the Merchants' Shipping Act, 1854, is not a document of title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgage affecting the ship."

On the 8th July the Court announced its opinion in this (the) case, and condemnation of vessel and cargo, but, exceptions having been taken to certain rulings, the decree in form was delayed until August 15, when it was duly entered in the words and figures following, to wit:

District Court of the United States—Southern District of Florida.—In Admiralty.

THE UNITED STATES
vs.
THE STEAMER WREN AND CARGO. } Prize.

A claim having been interposed for this vessel and cargo by Edward C. Stiles, master of said vessel, for and on account of John Laird, the younger, a British subject, and this cause having been heard on the libel and proofs, and testimony taken *in preparatorio*, and pleadings of the claimant, and all due proceedings having been had, and the Court being fully advised in the premises, and it appearing to the Court that the said steamer Wren, her tackle, apparel, furniture, and cargo, were, at the time of capture, the property of enemies of the United States, it is now ordered, adjudged and decreed that the said steamer Wren, her tackle, apparel, furniture, and cargo, be condemned and forfeited to the United States as lawful prize of war.

And it is further ordered that the Clerk of this Court issue a Writ of *Venditioni Exponas* to the Marshal of the District for the sale of the said steamer Wren, her tackle, apparel, furniture, and cargo, and that the Marshal make return of sale and expenses to this Court and deposit the proceeds of such sale with the Assistant Treasurer of the United States, subject to the order of this Court, as required by law.

(Signed) THOS. J. BOYNTON,
U. S. D. Judge.

9. From this decree an appeal by the claimant to the Supreme Court was in due form allowed, and the requisite security given August 25.

10. Afterwards, on process duly issued Oct. 16, 1865, the vessel was sold and the proceeds of the sale, amounting to $37,108.06, deposited with the Assistant Treasurer of the United States, in the city of New York, subject to the order of the Court.

11. Subsequent to the decree in the District Court and the taking of the appeal, Prioleau, still residing in England, retained Foster & Thomson, the garnishees in the case, and attorneys and counselors-at-law, doing business in the city of New York, as his counsel, to do whatever might be necessary for the protection of his interests. It does not appear that he had any actual knowledge of the proceedings for condemnation until after the decree was entered. As soon after their retainer as it could be done, Foster & Thomson procured a copy of the record in the District Court, and had the appeal docketed in the Supreme Court, February 7, 1866, they furnishing the necessary security for that purpose. They also employed additional counsel, who argued the case upon the record sent up from the District Court. No additional testimony was taken, and no change in the pleadings made or applied for.

12. Upon the argument in the Supreme Court, it was insisted by the Attorney-General, on behalf of the Government, that it appeared

from the evidence that the steamer was the public property of rebel enemies at the time of the capture, and in support of this position reference was made to the testimony of witnesses, who swore that Fraser, Trenholm & Co. were the owners. In opposition to this it was contended by the counsel for the appellant that there was "not a particle of evidence to show that steamer was ever enemies, property, but the evidence is (was) conclusive that she was at all times the property of a British neutral," evidently referring to Laird.

13. At the December term, 1867, of the Supreme Court, the decree of the District Court was reversed, and an order was entered to the effect that the cause be remanded, with directions to restore the vessel and her cargo to the claimant, without costs.

14. In the opinion filed at the time of the rendition of the judgment in the Supreme Court, it was said that the only question in the case was whether the vessel was the property of the enemies of the United States. In discussing this question the late Justice Nelson, who delivered the opinion, says: "It is quite apparent, therefore, upon the proofs, that the claimant not only built the vessel, but put his master in command on this her first voyage; and the presumption would seem to be very strong, if not irresistible (nothing else in the case), that he continued the owner for the short period of six months, which elapsed after she was built, and before the seizure took place. In addition to this, she was in the command of a master claiming to represent Laird as owner. These acts, in connection with the registry, afford strong evidence that the title of the vessel was in the claimant. Now, most of the proofs relied on to disprove this evidence are wholly inadmissible and incompetent as testimony in a court of justice. We cannot think that it needs any argument to show that they do not rise to the character or dignity of testimony in any court that respects the law of evidence." Then, after stating that it was not unnatural to suspect, from the surrounding facts and circumstances, "that the so-called Confederate States, or their agents, had some connection, if not interested in her," he concludes, "But in the view we have taken of the case, there is no foundation of legal proof of the ownership of the vessel in the Confederate States, on which these circumstances can rest or be attached as auxiliary considerations to influence the judgment of a Court. Our conclusion is, that the decree below must be reversed and the vessel be restored, but without costs."

15. After the judgment of the Supreme Court was entered, Foster & Thomson made a draft of a power of attorney to be executed by Laird, Jr., and Stiles, and sent it forward to Prioleau. In due time they received from Prioleau a power of attorney, in all substantial respects like their draft, properly executed, a copy of which is as follows:

Know all men by these presents, that we, John Laird, the younger, of Birkenhead, in the county of Chester, shipbuilder, and Edward Copeland Stiles, of 14 Delamere street, Upper Westbourne Terrace, London, master mariner, do by these presents nominate, constitute, and appoint J. P. Giraud Foster and James Thomson, both of New York, in the United States of America, solicitors, jointly, and each of

them severally, to be the true and lawful attorneys and attorney of us, and of each of us, for us and each of us, and in our or each of our names or name or otherwise, to receive and collect from the United States Government or any branch or officer thereof, or any depository thereof, any and all monies, the avails or proceeds of the sale of the steamer Wren, and her cargo, sold under a decree of the District or Circuit Court of the United States at Key West, in the Southern District of Florida, by the Marshal of the United States for the said District, the said decree having been reversed by the Supreme Court of the United States on appeal, and this power having been given to our said attorneys for receiving restitution of the avails of the said steamer Wren and cargo, with full power to give any receipts or discharges for the same, and generally to make, do, and execute all such further and other acts, deeds, matters, and things in the premises as amply as we or either of us could do if personally present, and one or more attorneys or attorney under them or him from time to time to substitute and appoint, and such appointments at pleasure to revoke, and another or others again to substitute and appoint, we and each of us hereby binding ourselves, and each of us, to ratify and confirm whatever shall be lawfully done by our said attorneys or either of them by virtue hereof.

In witness whereof we have hereunto set our hands and seals this second day of July, one thousand eight hundred and sixty-eight.

(Signed) JOHN LAIRD, JR. [L.S.]
EDW'D C. STILES. [L.S.]

Signed, sealed, and delivered by the above named John Laird, the younger, in the presence of

WM. STONE,
Attorney at Law, Liverpool.

Signed, sealed, and delivered by the above Edward C. Stiles, in the presence of

(Signed) E. L. ROWCLIFFE,
Solicitor, 1 *Bedford Row, London.*

I, William Henry Fletcher, Notary Public by Royal authority, admitted and sworn, practicing in Liverpool, in the county of Lancaster, in England, do hereby certify and attest unto all it shall or may concern, that the signature, "John Laird, Jr.," set and subscribed opposite the first seal at foot of the power of attorney hereunto annexed, is the real signature and proper handwriting of John Laird, the younger, therein named and described, who signed the same in my presence and in presence of Wm. Stone, Esquire, attorney-at-law, Liverpool.

Wherof an act being required, I, the said notary, have granted these presents under my notarial form and seal of office, to serve and avail as occasion shall or may require.

Done and passed in Liverpool, this fourth day of July, one thousand eight hundred and sixty-eight.

In testimonium veritatis.

(Signed) W. HENRY FLETCHER,
Notary Public.

[NOTARIAL SEAL.]

I, the undersigned, Consul of the United States of America for the port of Liverpool and its dependencies, do certify and make known to whom these presents shall come, that William H. Fletcher, whose true signature and notarial seal are subscribed and affixed to the annexed certificate, is a notary public duly authorized, admitted, and sworn, residing and practicing in Liverpool, to whose acts as such full faith and credit are due.

Given under my hand and seal of office at Liverpool, the 8th day of July, and year of our Lord one thousand eight hundred and sixty-eight.

(Signed)

[CONSULAR SEAL.]

I, John Newton, Notary Public by Royal authority, admitted and sworn, practicing in London, do hereby certify and attest unto all whom it may or shall concern, that the signature, "Edw'd C. Stiles," set and subscribed opposite the second seal at foot of the power of attorney hereunto annexed, is the real signature and proper handwriting of Edward Copeland Stiles therein named and described, who signed the same in my presence and in presence of E. S. Rowcliffe, Esquire, solicitor, No. 1 Bedford Row, London.

Whereof an act being required, I, the said notary, have granted these presents under my notarial form and seal of office, to serve and avail as occasion shall or may require.

Done and passed in London, this second day of July, one thousand eight hundred and sixty-eight.

In testimonium veritatis.

(Signed) JOHN NEWTON,
Notary Public.

[NOTARIAL SEAL.]

Consulate of the United States of America at London.

I, Freeman H. Morse, Consul of the United States of America for London and the dependencies thereof, do hereby make known and certify to all whom it may concern, that John Newton, who has signed the annexed certificate, is a notary public, duly admitted and sworn, and practicing in the city of London aforesaid, and that to all acts by him so done, full faith and credit are and ought to be given in judicature and thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of the Consulate of the United States at London aforesaid, this second day of July, in the year of our Lord one thousand eight hundred and sixty-eight, and in the ninety-second year of the Independence of the United States.

(Signed) F. H. MORSE.

[CONSULATE SEAL.

16. Before making the draft of this power of attorney, Foster & Thomson obtained a mandate from the Supreme Court; they afterwards sent it, together with a copy of their authority, to the United States Attorney for the Southern District of Florida, requesting him to see that the appropriate decree was entered in the cause, and that a draft to their order upon the Assistant Treasurer in New York for the money was transmitted to them by the Judge. Afterwards, January 5th, 1869, they employed F. A. Dockray, Esq., to aid them in procuring the money from the registry of the Court, advising him that the mandate and the power of attorney under which they were acting had already been forwarded to the Court. They did not, in any of their letters to the District Attorney or to Dockray, make mention of the fact that any other person than Laird was, or pretended to be, the owner of the fund in Court.

17. On the 28th December, 1868, certain of the libellants in this cause, and the owners of one-half the ship Sonora, filed their libel in the District Court for the Southern District of Florida, against John Laird, Jr., *in personam*, to recover for the same identical wrong and injury which is in this suit complained of, and prayed, among other things, "that his (Laird's) credits and effects in the registry of this (the) Court, known as the proceeds of the steamer Wren, may (might) be attached to the amount sued for and costs.

18. On the 6th of January, 1869, the following order was entered in that cause:

District Court of the United State—Southern District of Florida.—In Admiralty.

JOHN N. CUSHING AND WILLIAM CUSHING, Executors of Nicholas Johnson, deceased; Mary A. Johnson, Executrix of Henry, Johnson, deceased; Keturah M. Pritchhard, Administratrix of Thomas Pritchhard, Jr., deceased; and Elizabeth H. Pritchard, Executrix of William Pritchhard, deceased, *vs.* JOHN LAIRD, THE YOUNGER.	Cause of Spoliation and damage, Civil and Maritime.

A libel having been filed in said Court in the above entitled cause praying for a warrant of arrest against the defendant, the said John Laird, the younger, and that he may be required to appear and

answer on oath the aforesaid libel, and all and singular the matters aforesaid; and if he cannot be found, that his goods and chattels, and if none be found, that his credits and effects in the registry of this Honorable Court, or elsewhere within the jurisdiction of said Court, known as the proceeds of the steamer Wren, or otherwise, may be attached to answer said libellants. It is therefore ordered that process issue as prayed for in said libel, returnable on the third day of May, A.D. 1869.

(Signed) THOS. J. BOYNTON,
Judge.

19. On the 7th of the same month of January, an attachment in the usual form was issued to the Marshal of that District against the person of Laird, and on the same day the Marshal returned that Laird was not found in his District, and therefore no service could be had. On the 20th February, 1869, another attachment was issued to the same Marshal, directing him to attach and take into his custody the proceeds of the sale of the steamer Wren, then on deposit with the Assistant Treasurer of the United States in the city of New York, and subject to the order of the Court, wheresoever the same might be found in his precinct. To this writ the Marshal made return that he had executed the same by serving a copy thereof by mail on the Assistant Treasurer of the United States in New York. It also appears that the copy was received by the Assistant Treasurer on or before March 4, 1869.

20. A monition was also issued in the cause, February 20, returnable May 3, and served by publication in the Key West *Dispatch*, once a week for six weeks, to wit: from February 27 to April 3, and also by posting two copies in the city of Key West.

21. On the 24th February, 1869, Foster & Thomson, in New York, addressed J. Langdon Ward, Esq., the proctor for the libellants in this cause, in writing as follows:

In the matter of the Wren.

Office of FOSTER & THOMSON, Attorneys and Counsellors,
69 Wall St.,
NEW YORK, February 24, 1869.

J. Langdon Ward, Esq.:

DEAR SIR: Our suggestion is, that the District Judge in Florida forward to us his check on the Assistant Treasurer for the proceeds of the Wren, and that we draw the funds under our authority from the claimants, Laird and Stiles, and keep the proceeds in our hands sufficiently long to enable you to serve upon us any process or papers as you may be advised. Should this suggestion be satisfactory to you we give you our personal assurance that the funds will be so retained by us

Yours truly,

FOSTER & THOMSON.

22. This proposition was accepted by Mr. Ward, and March 12, he instructed the counsel in Florida having the matter in charge, to make no objection to the transmission of a check to Foster & Thomson for the money in the manner proposed. In the course of the negotiations which preceded the arrangement, Mr. Ward was in no manner given to understand that there was any ownership or claim of ownership of the fund other than such as appeared on the face of the record and the power of attorney filed with the mandate, and in point of fact he did not know or have any reason to believe that Foster & Thomson were acting in any other capacity than as attorneys for Laird and Stiles, representing their several interests as disclosed by the record in the Supreme Court.

23. On the 8th May, Dockray, while acting under his employment by Foster & Thomson, and having no other authority, entered the general appearance of Laird to the libel filed in Florida against him, claimed the proceeds of the Wren in the registry of the Court, and moved to dismiss the attachment. This being done, the proctor for the libellants, under their instructions from Mr. Ward, consented to the granting of the motion, and May 10 the necessary order to that effect was entered. On the same day Dockray exhibited to the Court the mandate of the Supreme Court, and upon his motion the following decree was entered in that cause:

In the District Court of the United States—Southern District of Florida.—In Admiralty.

THE UNITED STATES
vs.
THE STEAMER WREN, JOHN LAIRD, Claimant. } Prize.

A final decree of condemnation and forfeiture of the steamer Wren having been pronounced in this cause, and an appeal having been taken to the Supreme Court of the United States, and the final decree having been reversed and the property ordered to be restored to the claimant herein, and the mandate of the Supreme Court having been filed in this Court; and it further appearing that the costs, charges, and expenses in this proceeding, amounting to the sum of five thousand six hundred and sixty-six dollars and eighty-eight cents ($5,666.88) have been taxed and paid to the officers of the Court severally entitled thereto out of the proceeds of the sale of the steamer Wren. Now, therefore, on motion of F. A. Dockray, attorney and proctor of John Laird, claimant, it is ordered, adjudged, and decreed that the remainder of the proceeds of the steamer Wren, amounting to the sum of thirty-one thousand four hundred and forty-one dollars and sixty-two cents ($31,441.62) now on deposit with the Assistant Treasurer of the United States at New York, and subject to the order of the Court, be paid to the said John Laird, claimant. And it further appearing to this Court that Foster & Thomson, of the city of New York, are the lawfully authorized attorneys in fact of the said John Laird, claimant, it is ordered, adjudged, and decreed that the said proceeds be paid to the said Foster & Thomson.

(S'd) THOS. J. BOYNTON,
Judge.

The mandate of the Supreme Court and the power of attorney had been filed April 13, 1869.

24. Whereupon checks No. 199 for $29,869.62, and No. 200 for $1,572.00, were drawn in favor of Foster & Thomson, of New York, attorneys for Laird and Stiles, as against the proceeds of steamer Wren, on deposit with the Assistant Treasurer of the United States at New York, which checks were delivered to F. A. Dockray, Esq., attorney for Foster & Thomson, and attorney in fact for John Laird, and his receipt therefor taken in the words and figures following, to wit:

In the District Court of the U. S.—Southern District of Florida.—
In Admiralty.

THE UNITED STATES
vs.
STEAMER WREN, JOHN LAIRD, Claimant. } Prize.

$31,441.62.

Received of the Hon. Thos. J. Boynton, U. S. Judge, Southern District of Florida, his check for the sum of fifteen hundred and seventy-two dollars; also his check for the sum of twenty-nine thousand eight hundred and sixty-nine and 63-100 dollars, drawn on the Assistant Treasurer of the U. S. at New York, and payable to the order of Foster & Thomson.

(S'd) F. A. DOCKRAY,
Att'y for Foster & Thomson;
Attorney in fact for John Laird, Claimant.

25. The next day after the transmission of the drafts, to wit, May 11, Mr. Dockray wrote Foster & Thomson as follows:

OFFICE OF U. S. ATTORNEY, SOUTHERN DISTRICT OF FLORIDA,
KEY WEST, May 11, 1869.

Mess. Foster & Thomson,
69 Wall Street, New York:

DEAR SIRS: On the 29th day of April, I filed a motion in the case of Cushing *vs.* Laird, to dismiss the libel and attachment for want of jurisdiction. Premising that Mr. Mallory intended to contest the motion to the fullest extent, I prepared to argue my motion very thoroughly on my arrival here. When I reached here Mr. Bethel manifested some alarm at my energy and confidence in the case, and telegraphed to Mr. Mallory at Pensacola to come here at once, when I found that he intended to oppose my motion with an elaborate argument which (on the part of both of us) would necessarily involve the merits of the case.

Pending this argument, I informed them of my instructions to obtain the proceeds, and of the acquiescence of Mr. Langdon Ward in the terms agreed upon. Mallory & Bethel, however, would not consent without stipulation, and telegraphed to Mr. Ward at the time I also telegraphed you to see him. Ward replied to "consent absolute

ly, without bond or stipulation to the pay't of the proceeds to your order."

M. & B. were not fully satisfied by this, of the intention of Cushing *et al.*, and did not imagine that the parties libellant would consent to a dissolution of the attachment without security, as Mr. Ward had lately written them to keep the suit in Court by all means in their power.

I succeeded finally in inducing them to consent in writing to my motion for dissolution, if I would enter a general appearance for Laird, which I hazarded nothing in doing. I was willing for these reasons and on this defense, viz.:

1. That the dissolution of the attachment left the Court free to decree upon the mandate of the Supreme Court and restore the proceeds to you as Laird's att's in fact.

2. The attachment being dissolved and the money paid to you, the libellants have no case in Court, even if they had before.

3. The voluntary general appearance of Laird has no legal importance, because the Court having no jurisdiction, no voluntary act of either party can give it jurisdiction.

4. The libellants reside in one Judicial District, and bring suit in a second against a party in a third, or an alien domiciled abroad, which ousts the jurisdiction.

5. Even allowing or admitting the jurisdiction (if so) the most the libellants are able to do is to obtain jugdment against Laird, and suggest it in an English Court of competent jurisdiction. Meanwhile the claim of Cushing *et al.* for the "Sonora" is pending as one of the Alabama claims, and is more than likely to be adjusted before any U. S. Court could come to judgment on this case, and before any English Court would finally afford process of execution.

I send you inclosed a certified copy of the late proceedings in the matter.

A copy of the decree and orders of dissolution of attachment has been transmitted to the Ass't Tre. of U. S. at New York by the Clerk of the Court.

The Judge's checks, one for $29,869.62 and one for $1,572—total $31,441.62—cover the entire proceeds on deposit with the Ass't Treasurer. They are forwarded to you through John Jay Philbrick, Esq., British Vice-Consul, through his house in New York, Messrs. C. & E. Howe, 71 Broadway. I have drawn on you through him for $1,071, at sight, covering my fee and expenses ($71), of which I enclose a memo., and which draft he has cashed to me. There may be a little difficulty at the Ass't Treasury, owing to an error (and not yet fully rectified) in its ac. with the Court here. The error amounts to about $600. I suggest that you present the check for $29,869.62 before that of $1,572, delaying the latter a few days. But you will ascertain more fully of the Ass't Treasurer about this. I leave for Jacksonville on Thursday, 13th, when I shall be glad to hear from you.

I am, yours truly, etc.,

F. A. DOCKRAY,

Att'y.

26. In due course of mail, Foster & Thomson received the drafts, and the foregoing letter of Mr. Dockray. The money was collected upon the drafts in due course of business, and Foster & Thomson have paid an account of the same, as follows:

To Mr. Dockray for his services and expenses...	$1,171.00
To the Counsel who argued the prize cause in Sup. Ct.....	2,000.00

They have also a claim against the fund, for their own professional services in the Supreme Court and in the proceeding in Florida, amounting to $2,500. The balance of the amount collected, over the payments made as above, is still in their hands, and is the subject matter of the controversy upon this appeal.

27. Foster & Thomson never had any personal communication with Laird, and never received any instructions from him in regard to their acts in the premises. They were actually employed by Prioleau, and communicated with Laird only through him.

28. All that was done in Florida, after the arrangement between Mr. Ward and Foster & Thomson in New York, was with a view of transferring the litigation to New York, where it could be carried on by both parties more conveniently than in Florida.

29. As soon as the drafts were sent to Foster & Thomson from Florida, Mr. Ward was duly advised, and he caused the attachment to be issued, under which the present proceeding is had, which was duly served May 18.

30. It does not appear from the evidence, that the Wren ever entered a British port after leaving Liverpool, December, 1864, and previous to her capture.

31. It does not appear from the evidence, that Laird exercised any acts of ownership over the Wren after the execution of his bill of sale, and she was actually employed, nearly or quite all the time before her seizure, in running between Havana and Galveston, breaking the blockade at Galveston.

32. At the time of the commencement of this action, all the libellants were citizens of the State of Massachusetts, and Laird was a subject of Great Britain, residing at Birkenhead, England.

33. On the 19th November, 1864, the libellants, or those whom they represent, caused their memorial and protest to be filed in the office of the Secretary of State of the United States, in which they asked the intervention of the United States to obtain reparation from the Government of Great Britain for the same identical cause of action set forth in the libel in this suit. Their claim, as filed, was as follows:

Loss of vessel above insurance.....	25,800.00
Loss of charter.....	33,244.44
Insurers of vessel.....	30,000.00

34. The claim thus filed was included among those presented by the agent of the United States to the Tribunal of Arbitration, at Geneva, under the provisions of the treaty between the United States

and Great Britain, concluded May 8, 1871, known as the "Treaty of Washington."

35. In or about the month of November, 1874, after the establishment by Congress of the Court of Alabama Claims, these libellants or their legal representatives, presented to that tribunal their petition in which they demanded judgment against the United States for $134,893.34, including value of ship ($115,869.50, less insurance $30,000), $85,869.50, net freight $44,094.33, and stores $4,929.51, and afterwards such proceedings were had upon this petition that judgment was rendered against the United States for—

Damages	33,334.30
Interest	15,286.02
In all	$48,620.32

—which was paid in full October 19, 1877.

CONCLUSIONS OF LAW.

1. As Prioleau was in fact the owner of the Wren at the time of her capture, he was in law the owner of the proceeds in the Registry of the Court after her sale.

2. The sentence of acquittal in the prize cause relieved the fund in Court from all claim on the part of the captors, and left the owners free to assert their rights as against the world.

3. The decree in the prize suit did not adjudge the fund to Laird as owner, or deprive Prioleau of his interest.

4. The delivery of the fund to Foster & Thomson, as agents of Laird, placed them in the same situation in respect to it that would have been occupied by Laird if it had been put into his hands instead of theirs.

5. As Laird was not the real, but only the apparent owner of the fund, he would have taken it, if payment had been made to him in trust for Prioleau.

6. Foster & Thomson, as his agents, hold it upon the same trust, and are not accountable to the libellants in this action.

7. The decree of the District Court requiring Foster & Thomson to pay the fund into Court, and subjecting it to the payment of the amount found due the libellants from Laird was wrong and should be reversed.

A copy:

JOHN I. DAVENPORT,
Clk.

And on the same day rendered and filed the following opinion:

JOHN N. CUSHING, *al.*
vs.
JOHN LAIRD, THE YOUNGER.
} Appeal, May 9th, 1873.

SAME
vs.
SAME. } Appeal, October 3d, 1873.

WAITE, Ch. J.

These are two appeals, taken at different stages of the same cause to avoid the embarrassments of a mistake as to the proper decree to be appealed from. They are docketed as separate cases, but come up on the same pleadings and proofs. The only difference is, that one is taken from one decree, and the other from another. Motions to dismiss have been made in each case, and before proceeding to consider the merits, it is necessary to decide which appeal is regular. That depends upon which of the decrees appealed from was the final decree as to these appellants.

The appellants are garnishees, in Admiralty, under process of foreign attachment in a suit *in personam* against a defendant not found and who has never appeared. The libellants claim that the garnishees have in their hands a fund, known as the proceeds of the steamer Wren, which they hold in trust for the defendant, Laird, and which should be subjected to the payment of the demand in the action, while the appellants say they hold the fund for Prioleau, to whom it belongs and to whom alone they are accountable.

This issue, thus raised between these parties, was tried below before any decree was rendered against Laird, and on the 26th of April, the Court found and adjudged that the fund belonged to Laird and amounted to $31,451.62. On the same day a further order was entered directing the appellants to pay the fund into Court, or give stipulation with sufficient security to abide the further order of the Court in relation thereto. This stipulation they gave May 5th, and May 9th appealed. This appeal is docketed as the first of the two cases here.

Afterwards, September 19th, 1873, a decree was entered in favor of the libellants and against Laird in the principal action, for $143,298.30; and granting execution thereon against the fund in the hands of the garnishees. From this decree the second appeal was taken, which is docketed as the second case.

The proceeding by foreign attachment is auxiliary to the principal action, and if that action fails nothing is gained by the attachment. The decision that the fund in the hands of the garnishees belonged to Laird was interlocutory only. It settled the title to the fund for the purposes of the suit, but did not adjudge that it be paid the libellants. If in the further progress of the cause the libellants had failed to maintain their claim against Laird, the decision would have been of no avail. The garnishees did not become finally bound to apply the fund they held to the payment of the demand sued upon, until the order to that effect was entered September 19th. The order of April 26th left the final disposition of the fund open. The actual appropriation was not made until September 19th. The last was, therefore, the final judgment, and from that order the appeal lies.

It follows that the appeal of May 9th must be dismissed at the costs of the garnishees and appellants, and the cause retained for hearing only upon the appeal of October 3d.

Upon the merits, the principal question is as to the effect of the final decree in the prize cause, the libellants contending that it settled the title of Laird to the fund, and concludes Prioleau.

There can be no doubt that a judgment *in rem.*, by a court of competent jurisdiction, binds all the world. It is also true that such a judgment is conclusive as to all the essential facts upon which it rests.

Here the cause was one of prize, and the ultimate fact to be determined was that of prize or no prize. The decision was, no prize. To that extent confessedly all the world is bound.

In prize causes, the captors bring the captured property into Court, and ask for a sentence of condemnation, but, before this can be had, they must satisfy the Court that their capture is lawful prize. Mere capture is not enough; capture, to justify condemnation, must be lawful, and of this the Court must be judicially informed. To this end, the captors are required to produce all documents and writings found on board a captured vessel, and the depositions of her master, or some of her principal officers or crew, taken *in preparatory*. Upon the information thus obtained the case is heard in the first instance, and if the proof is such as to show that the capture could not have been lawful, there must be an acquittal, whether there be a claimant on the record or not. The right to condemnation may be resisted by a party in interest without the interposition of a formal claim. The rule upon this subject is thus stated by the late Judge Betts, of this district:

"When no proofs are expected to be offered by a claimant beyond what are produced on the examination *in preparatory*, there would be no utility in his coming in with a claim in form, inasmuch as his advocate may be heard upon the captors' proof, and a condemnation as prize is never made in the first instance upon a mere default in not claiming, without at least strong presumptive evidence that it is enemy's property. The Court must be informed by the proofs that it is a case of prize." Betts, Adm. Pr. 76.

A proceeding in a prize court is something more than a call upon those opposed to condemnation to come in and show cause against it. It is a suit by the captors to condemn, in which they are required in the first instance to make out their case by proof. That proof at the outset, consists, as has been seen, of the documents and writings found on board and the depositions taken *in preparatorio*. If this leaves a doubt as to the lawfulness of the prize, further proof may be ordered. Such an order is not a matter of strict right, but always rests upon the sound discretion of the Court. The reason is that a ship's papers ought to show her true character, and her officers and crew ought to be able to give such further information as may be required in order to enable the Court to act understandingly upon the question to be decided, to wit: That of prize or no prize. The burden of overcoming the effect of the proof which is thus produced in the first instance, is thrown upon the claimant. This is the meaning of the rule which throws the burden of proof upon a claimant. The preliminary proof, which the law requires the captors to bring with them, is a part of their case, and, if sufficient, must condemn, unless overcome. For this purpose, further proof may be required, but until one opposed to condemnation presents his formal claim in the suit, he cannot be heard to ask that an order to that effect be made.

The master of a captured vessel may put in the claim, but it must be for his owner, and in practice he is required to state upon information and belief who his owner is.

If upon an examination of the captor's preliminary proofs it appears that there should be an acquittal, and no claimant has filed a claim, the Court will, in some appropriate manner ascertain and determine to whom a delivery of the property shall be made.

In this case the captors brought the captured vessel into court, and caused her to be libelled as prize of war. They also produced the documents and writings found on board, and the depositions of the master, purser, and first and third mates, taken *in preparatorio*. This being done, the master appeared, and, as bailee of the vessel, claimed "for the owner," stating that "Laird, a lawful British subject, residing in England, is the true and *bona fide* owner of said steamer, and that no other person is the owner thereof, as appears by the register of said steamer now in the possession of the Court, and as he is informed and believes."

The cause was thus made ready for hearing, but upon examination of what was on file, an order for further proof was taken. No witnesses were examined except such as were on board the Wren at the time of the capture, and the only additional proof offered or permitted on the part of the captors related entirely to the names of the persons who took part in the seizure of the vessel, or who had knowledge of the undertaking before the commencement of its execution.

The testimony being all in, the cause was again heard July 3d, and the Court finding that the vessel "was the property of the enemies of the United States," announced its judgment of condemnation, July 8, only twenty-six days after the vessel left Havana, twenty-four after she was brought into Key West, and twenty-two after the filing of the libel. Under such circumstances, it would seem to be clear that the issue tried must have related only to the enemy character of the vessel, and not to its particular ownership. The legal effect of the claim put in by the master was for the owner, believed to be Laird, whose name appeared in the certificate of registry found on board. It was, however, nowhere positively asserted that Laird was the real owner, and the certificate of registry to which the reference was made, and which was then in the possession of the Court, bore upon its face the express declaration that it was not a document of title, and did not necessarily contain notices of all changes of ownership. It bore date Dec. 24th, 1864, nearly six months before the capture, and there had been abundance of time for many regular and lawful changes of ownership, without an actual necessity for a new certificate, as the vessel had never returned to her home port after sailing upon her first voyage, and a new certificate could not be granted without a surrender of the old one. Merchts' Ship. Act of 1854, 17 and 18 Vict., ch. 104, sec 88. Prudence undoubtedly requires that, when a master claims for the owner, he should state his belief as to who the owner was; but it would be dangerous to hold, in this class of cases, that a decree of acquittal, after such a statement based upon the evidence contained in the ship's papers, would cut off a title lawfully acquired after the vessel had left her port of registry, and while she was absent on a voyage.

The office of a claim is to bring the claimant into the cause so that he may become an actor. Before a claim is filed all a contestant's advocate can do is to present the case upon the captor's proof, but afterwards he may, by leave of the Court, add affirmative evidence of his own. When the master presents the claim, he acts in contemplation of law for whom it may concern, and is required to name his supposed owner, not for the purpose of maintaining the particular owner's title against all the world, but to satisfy the Court that he is acting in good faith, and that he is entitled to resist the captor's title by further proof. When, after an acquittal, the Court directs that the property shall be delivered to the claimant, it is not necessarily because he has been adjudged to be the owner, but because upon the proofs which have been submitted he appears to be such. If because of his apparent ownership, he gets possession of that which actually belongs to another, he does so as the representative of the true owner, and must account accordingly. If, after an acquittal, a controversy arises between two conflicting claimants as to their title, and they present their respective claims to the Court for adjudication in order that it may be definitely settled who has the better right, a judgment would bind them, but not necessarily all the world. The particular litigants are concluded, because they have voluntarily submitted their rights for adjudication in the cause. As they were not compelled to come in to litigate between themselves, they would not have been bound but for their submission. So as all the world has only been called upon to appear if they will, and contest the sentence of condemnation, the sentence of acquittal leaves all interested in the property free to resort to such appropriate remedies as they choose for the settlement of their conflicting individual rights.

It seems to me clear, that if there had been no claim in this case, and after a sentence of acquittal the Court had ordered the vessel delivered to Laird, as the registered owner, such an order would not have transferred the title back from Prioleau to Laird. As the claim in this case was, in effect, nothing more than for Laird, as registered owner, it is difficult to see how it adds anything to the strength of his position as against the true owner.

Prize proceedings are not at all suited to the adjudication of disputed titles to the captured property. They are essentially war measures, and necessarily summary. To a large extent the Courts, like the captors, must rely upon the evidence furnished by the vessel herself, that is to say, upon appearances. Under ordinary circumstances, a vessel ought to be able to protect herself from condemnation, if innocent, by such testimony as she can obtain from her papers, and her officers and crew. The laws of all maritime nations make ample provision for documentary evidence of a vessel's true character, and the principal officers are presumed to have always at hand the means of protection against unlawful capture. Hence, proceedings in prize are always hurried forward with all convenient dispatch. This is important both to captors and owners, but especially so to owners, if they are innocent, in order that their voyage may not be unnecessarily interrupted. For this reason, all collateral questions are, as far as possible, kept out of the way, and the inquiry confined to the lawfulness of the capture. Hence, it is that in the article in the American En-

cyclopædia (vol. 10, p. 364), so much relied upon by the counsel for the libellants in their argument, it is said "if he (the claimant) has but a lien, or is a mere insurer, or a mortgagee not in possession, he cannot maintain his claim, for reasons which are found in the incompetency of such a Court (prize) to investigate such claims." Certainly, if it had been supposed that a decree in the cause was to settle anything else than the one question of prize, or no prize, this would not have been said. If an ordinary sentence of acquittal was to have the effect of determining all conflicting claims between individual proprietors, the Court ought to be competent to investigate and determine such questions. But it is practically incompetent, because the summary manner in which it necessarily acts is entirely unsuited to such inquiries. The master of a vessel is not presumed to have accurate information upon such subjects, and it is not usual for him to keep on board the evidence required in the trial of such cases. It has never been supposed that when a mortgagee appears as claimant in a suit in Admiralty brought to enforce maritime lien, if he defends successfully against the lien and defeats the action, a decree dismissing the libel would settle his rights as against the mortgagor. So, too, one who, by asserting ownership, defeats a condemnation as prize, does not thereby establish his title as against a contesting owner.

I am, therefore, clearly of the opinion that the ordinary sentence of acquittal in a prize suit, even if accompanied by an order for the delivery of the property to the person appearing as claimant upon the record, does not necessarily divest others of any title they may have to the subject matter of the capture. It only remains to consider whether there is anything in this case to take it out of this general rule. Certainly no issue as to Prioleau's ownership was directly presented upon the record. The case was submitted substantially upon the preliminary proofs, and the District Court only decided that the property was enemy's property and, therefore, lawful prize.

The decree of the Supreme Court simply reversed that of the District Court, and ordered restoration of the property. Upon its face it only decided that the vessel was not enemy property. On the part of the United States it was argued that the register was only "a cover of the rebel title," and on the part of the captors that "there was not a particle of evidence to show that the steamer was ever enemies' property." The Court, while conceding that it was not "unnatural or unreasonable to suspect that the so-called Confederate States, or their agents, had some connection if not interest in her," concluded that there was "no foundation of legal proof of the ownership of the vessel in the Confederate States, on which these circumstances can rest, or be attached as auxiliary considerations to influence the judgment of a Court." In this there is nothing to indicate a definitive decision as between Laird and Prioleau, that Laird was the owner and Prioleau not. All it amounts to is, that the captors had not succeeded in showing that Laird had parted with his title to "the enemies of the United States." What the Court might have decided, if the bill of sale to Prioleau had been in evidence, is not now the question, but what it did decide upon the evidence actually presented.

When the mandate went down from the Supreme Court all the District Court had to do was to enter the decree which was ordered, and deliver the fund in the registry to the claimant. The effect of the decision upon the appeal was, that as Laird was the apparent owner he should have the possession. So, too, when the District Court acted upon the mandate, it did not adjudicate upon the actual title of Laird to the fund, but simply ordered that the fund be given up to him as the person apparently entitled to take it out of the Court.

When Foster & Thomson received the money upon the authority of Laird, they took it to hold as Laird would have held it, if it had been paid to him instead of them. As the apparent registered owner of the vessel he, under the circumstances of the case, represented the real owner, and would be accountable for all that came into his hands in his representative character. If Laird had himself drawn the fund and placed it in the hands of Foster & Thomson for safe keeping, or if he had placed it upon special deposit in a bank, or if he actually held it in his own possession separate from his other property, it could not have been subjected by these libellants to the payment of their demand against him because he held it, not in his own right as owner, but in trust for another. So long as Foster & Thomson hold the money it is separate from the other property of Laird, and preserves its trust character.

Clearly, if this were all, the fund could not be subjected in this action. Prioleau, upon the evidence submitted in this case, was the actual owner of the vessel when captured and when sold. The proceeds, therefore, which had taken the place of the vessel in the progress of the suit, were his, when paid out of the registry of the Court, and the parties to whom the payment was made took them in trust for him. They have not only been kept as a distinct and separate fund, but are proceeded against in this action as such,

But it is further insisted that, as Prioleau employed counsel and prosecuted the appeal in the Supreme Court, with Laird upon the record as claimant, he stands in the position of an enemy who has put forward a neutral to claim his captured property as owner, and cannot now be heard to say that the neutral was not the owner in fact. Such I do not understand to be the effect of what was done. So far as anything appears upon the evidence in this case, Laird was in truth the owner of the vessel when she was registered and when she sailed from Liverpool. She may have been built upon the order of Prioleau, but there is nothing whatever to show that she actually belonged to him at any time previous to the execution of the bill of sale. She was then, when she sailed, properly registered in Laird's name, and Prioleau cannot be said to have put forward Laird as owner, because she went to sea with a certificate of Laird's registry on board. More than six weeks before her capture Prioleau had entered his bill of sale at the custom house at her port of registry, and obtained a new registry in his own name. When she was captured she was returning for the first time to her port of registry. There was nothing in the laws of Great Britain which made it necessary to give up the old certificate of registry and take out a new one before that time. When the vessel was brought into Court, and the preliminary

proofs taken and filed, the master, in accordance with his duty, attempted in the usual way to protect the interests of her owners. Believing it to be important to secure the privilege of submitting further proof, and finding from the ship's papers that Laird was the registered owner, he made the necessary formal claim for the owner, stating his belief that the registered owner still continued to be the true owner. By so doing he raised no new issue upon the pleadings. The Court had still to be satisfied that the vessel was enemies' property. A false claim, if discovered, would have been a strong circumstance in favor of the validity of the capture, but still there could not be a condemnation unless the proof satisfied the Court that not only Laird was not the owner, but an enemy was.

As has been seen, a formal claim was not necessary to enable one having a substantial interest in the property to argue against the sufficiency of the captors' proof. A master may employ counsel to appear for a registered owner and oppose the condemnation, and he will ordinarily be heard upon the case as made by the libellants without making himself an actual claimant. In this case there is nothing to show that Prioleau knew of the pendency of the proceedings until after the master had secured an appeal. He simply did, after this, what the master might have done, without entering a claim, before. He argued that, upon the proof as it stood, there was no case for condemnation.

The question here presented does not arise between Prioleau and the United States. If all the truth had been spread upon the record a different result might have been reached, and the captors might have secured their prize. But that is not now the question. A sentence of acquittal has been pronounced and an order made for the restoration of the property to the owner. If Prioleau were now asking to have the delivery made to him instead of Laird, the Court might with propriety refuse to interfere, and leave him to such remedies as he was entitled to after the money reached Laird's hands, on the ground that, having waited until a decision had been reached at his instigation, it did not lie in his mouth to object to such a decree as the record required.

As between him and Laird, however, there is no estoppel, and if he is not estopped as against Laird, he is not as against the libellants. They acquired no new rights by the decree, and they have given Laird no new credit upon the faith of it. Their rights depend upon Laird's actual title and not upon what Prioleau may have done to save the property. The case of De Mettou *vs.* De Mello, 12 East 234, so much relied upon, is far from being like this. There, a neutral lent his name to an enemy to neutralize property, and the enemy put the neutral forward as claimant to prevent a condemnation. The whole thing was planned as a deliberate fraud, and the Court said that after the fraud had been successful it would not hear the enemy to recover its fruits from his guilty confederate. As the parties had combined to commit a fraud, and had been successful, the law would leave them in the transaction just where it found them. Here there was no fraudulent combination, no putting forward for the purpose of deception, but a simple contention that the captors had not by their own showing made out their case. Prioleau stands just where he

would if, without a claim, the District Court, upon the proof, had acquitted the vessel and delivered her to Laird. When he interfered in the cause he was not bound to put in more testimony. He had the right to stand upon the case as made. In this respect he did not occupy a position different from other litigants. He was at liberty to rely upon the weakness of his adversary's case as the strength of his own. The captors had no claim upon him for discovery, and he might keep silent if he chose. His promotion of the cause after the appeal placed him in no worse position than he would have been if the same decree had been rendered without his interference.

Neither do I think that the rights of the parties have been changed by what was done by Foster & Thomson to get possession of the fund. For all the purposes of this suit they are to be treated as the representatives of Laird in obtaining the money. If Laird was not the actual owner of the fund in his own right before it was paid to them, he was not after.

The change of possession did not change the ownership. The title of Prioleau reaches behind that transaction, and behind any proceedings of these libellants, here or elsewhere, to reach the funds as Laird's. Laird would have taken the money out of Court as trustee for Prioleau, if it had been paid into his own hand, and Foster & Thomson, in their character as his agents, hold it clothed with the same obligation.

This disposes of the whole case. The money in the hands of Foster & Thomson was never the property of Laird, but always of Prioleau. Consequently the judgment of the District Court declaring it to be the property of Laird, and subjecting it to the decree against him, was wrong.

Many other important and interesting questions were presented upon the argument, which, in the view I have taken of the case, need not now be considered. I have, however, thought it proper to find all the facts upon which these questions rest, in order that if there should be an appeal the whole case may go up. Without passing upon the validity of the defence set up in the amended answer of the appellants, which the late lamented Judge of the Circuit Court allowed to be filed provisionally, I have considered it as part of the case and found the facts upon its allegations.

The testimony in the prize cause, and which is found in that record, cannot be considered here to prove the facts put in issue by the pleadings in this case, but it may be referred to for the purpose of ascertaining what was actually decided there, if the record leaves that question otherwise in doubt. The same may be said of the briefs of counsel and the opinion of the Court upon the appeal. According to my view of the matter they are unimportant, but to present the case in full to the reviewing Court, I have found the facts they establish, if admissible, thus putting the question of their relevancy upon the record.

Let a decree be prepared to the effect that the fund, known as the proceeds of the steamer Wren, in the hands of Foster & Thomson when served with process in this action, was not the property of John Laird, Jr., the defendant in the principal suit, and that it cannot be

subjected to the payment of the decree against him. All orders of the District Court inconsistent with this finding are reversed and set aside. As the garnishees only have appealed, no order can be made in respect to the decree against Laird. The costs of this Court upon this appeal, and of the District Court, so far as they relate to the proceedings under the process of garnishment, are to be paid by the libellants.

A copy.

JOHN I. DAVENPORT,
Clerk.

And thereupon counsel for the libellants requested the said Chief Justice to make the following additional findings of fact.

Circuit Court of the United States—Southern District of New York.

JOHN N. CUSHING *et al.*,
Libellants and Appellees,
vs.
JOHN LAIRD, THE YOUNGER.
Foster & Thomson, *Garnishees, Appellants.*

The libellants and appellees respectfully request this Honorable Court to find as facts, in addition to the findings of fact already proposed by them, as follows:

FIRST.—On the 10th day of June, 1865, Edward C. Stiles was appointed at Havana to the command of the steamer Wren by the agent of the owner of the vessel.

Which the Court refused to find.

SECOND.—He was engaged to take the vessel to Liverpool, and deliver her to Fraser, Trenholm & Co.

Which the Court refused to find.

THIRD.—On the 12th day of June, 1865, the vessel Wren left the port of Havana, Cuba.

Which the Court refused to find.

FOURTH.—It does not appear that Prioleau was ignorant of the proceedings for condemnation until after the decree was entered.

Which the Court refused to find.

FIFTH.—The letter of Foster & Thomson, the garnishees employing F. A. Dockray, Esq., as mentioned in finding 16, was as follows:

JANUARY 5th, 1869.

DEAR SIR:

Mr. Evarts has given us your address, and we write you to secure your services in the matter of the steamer Wren proceeds now in the hands of the Assistant Treasurer in this city.

The Wren was seized by part of her crew (rising on the officers),

brought into Key West, where she was libelled in prize and condemned. We appealed to the Supreme Court, and the judgment of condemnation was reversed. We afterwards sent the *remititur* down to Mr. Plantz, together with a copy of the power of attorney from Messrs. Laird (owner) and Stiles (captain), requesting him to enter an order for us and obtain the draft to our order from the Judge upon the U. S. Assistant Treasurer here.

This has not been done, because certain parties in Washington having an adverse interest (we suppose connected with the prize money which would have been obtained in case of success), procured an action to be ordered by the Att'y General's office to try the question of ownership over again.

When we called the attention of the Att'y General himself to this, he saw at once that no such action could be maintained, and caused it to be stopped. This difficulty, therefore, in the way of carrying out the judgment of the Supreme Court has been obviated. We learn, however, that certain parties who had a ship burned by the Alabama have undertaken to commence an action against Mr. Laird for spoliation, in hope of attaching or garnisheeing the fund. This, of course, cannot be done for two reasons, both independent of the absurdity of the claim on its merits:

First.—That the United States has no jurisdiction over a non-resident under such circumstances. This has been decided here; and

Second.—The funds cannot be garnisheed in Florida even though the Court had jurisdiction, because they are not in Florida, and also because there cannot be any such thing as attachment in the hands of the Court.

The Court must obey the judgment of the S. C. and after we get the money in our hands they may take their own course.

Please obtain for us the Judge's draft on the U. S. Treasurer and forward to us.

Should any proceedings have been taken by the parties commencing the personal action against Mr. Laird, do not enter any general appearance for him, but only specially move to set aside the process and attachment for want of jurisdiction, as you will readily see that a voluntary appearance for Mr. Laird would obviate the difficulty under which the plaintiffs rest, and might be claimed to give jurisdiction for private actions upon all the Alabama claims.

Please also let plaintiffs' atty's take their own time in the matter, as it is probable arrangements may be made by us here to have the suit withdrawn in Florida, and that any litigation may go on here. We send duplicate of this to Key West, as Mr. Evarts informed us that you will probably move from Tallahassee to K. W. about the 25th inst.

We inclose fee—$100.

Yours truly,

FOSTER & THOMSON.

The Court so found, and found also, that no other directions in respect to entry of appearance for John Laird at variance with this

were subsequently, or at all, given by Foster & Thomson to Mr. Dockray.

SIXTH.—That on the argument of the prize cause in the Supreme Court the counsel for the appellant therein asserted that the facts were that "the steamer was built by Messrs. Laird, at Birkenhead, England, in 1864, and her certificate of registry is dated December 24, 1864, and she was owned by John Laird, of Liverpool. She was never sold or transferred, and was owned by Laird, the younger, on the day of her pretended capture. And that the steamer had no guns and no cargo whatever." She was on her way under English colors from Havana to Liverpool, to be delivered to her owner, Mr. Laird, an Englishman and an English subject.

Which the Court refused to find as immaterial.

The libellants excepted separately to the refusal of the Court to find each of the foregoing requests, which was refused.

And thereafter, and upon notice of the filing of the said findings of fact and conclusions of law, and on the 4th day of October, 1878, being before the entry of any judgment or decree therein, the libellants filed in the office of the clerk of the said Circuit Court, and served upon Foster & Thomson, garnishees *in proper*, appellants, with notice of filing the following exceptions separately to the findings of fact and conclusions of law made and filed by the said Judge, as being unsustained by any proper or legal evidence, and being in opposition to the facts as proved by the testimony presented, and as contrary to law, and also the following exceptions separately to the refusal of the said Judge to make the findings of fact and conclusions of law submitted and proposed to him on behalf of the libellants, and which the libellants requested him to make as supported by competent and relevant testimony.

The respondents hereby except separately to the findings of fact and conclusions of law made by the said Judge, and filed as follows:

FIRST.—The libellants except to so much of the 11th finding, as finds that the copy of the record in the District Court was procured by Foster & Thomson as soon after their retainer as could be done.

SECOND.—They except to so much of the finding of fact, numbered 12, as is in the words following, "In opposition to this it was contended by the counsel for the appellant, that there was not a particle of evidence to show that that steamer was ever enemy's property, but the evidence is conclusive that she was at all times the property of a British neutral, evidently referring to Laird."

THIRD.—They except to so much of the finding of fact, numbered 16, as finds that Foster & Thomson obtained a mandate from the Supreme Court, after having received the power of attorney.

FOURTH.—They except to the finding of fact, numbered 33, and each and every part thereof.

FIFTH.—They except to the finding of fact, numbered 34, and each and every part thereof.

SIXTH.—They except to the finding of fact, numbered 35, and each and every part thereof.

SEVENTH.—They except to the conclusion of law, that as Prioleau

was in fact the owner of the Wren at the time of the capture, he was in law the owner of the proceeds in the registry of the Court after her sale.

EIGHTH.—They except to so much of the conclusion of law, numbered 2, as is in the words following, to wit: "And left the owners free to assert their rights as against the world."

NINTH.—They except to the conclusion of law, that the decree in the prize suit did not adjudge the fund to Laird as owner, or deprive Prioleau of his interest.

TENTH.—They except to the conclusion of law, that as Laird was not the real, but only the apparent owner of the fund, he would have taken it if payment had been made to him in trust for Prioleau.

ELEVENTH.—They except to the conclusion of law, that Foster & Thomson, as his (Laird's) agent, held it (the fund) upon the same trust, and are not accountable to the libellants in this action.

TWELFTH.—They except to the conclusion of law, that the decree of the District Court requiring Foster & Thompson to pay the fund into Court, and subjecting it to the payment of the amount found due to the libellants from Laird was wrong, and should be reversed.

The respondents further except separately to the refusal of the said Judge to make the findings of fact and conclusions of law submitted and proposed by them as follows:

FIRST.—They except to his refusal to make the finding of fact, that the main question at issue in the prize cause was, whether the Wren belonged to Laird, a subject of Great Britain, residing in Liverpool, and was *bona fide* neutral property, or whether she was really the property of the Government of the Confederate States, or of the firm of Fraser, Trenholm & Co., acting for and representing such Government.

SECOND.—They except to his refusal to make the finding of fact, that Charles Kuhn Prioleau, at the time of the capture of the Wren, and at the time of retaining Foster & Thomson, was, and for a long time had been, a member of the firm of Fraser, Trenholm & Co. This firm were the agents of the Confederate States, of which a majority of their members were citizens.

THIRD.—They except to his refusal to make the finding of fact, that at or about this time, to wit, August 15, 1865, Messrs. Foster & Thomson, these garnishees and appellants herein, were retained by Charles Kuhn Prioleau, to attend to and prosecute this appeal. They forthwith procured the transmission of the record to the Supreme Court; made the necessary deposit of money with the Clerk of that Court; retained Edwards Pierrepont, Esq., as counsel; procured for and delivered to him a copy of the record, and were in constant consultation and communication with him touching the case, in the usual way between attorneys and their counsel.

FOURTH.—They except to his refusal to make the finding of fact, that on the argument of the appeal in the Supreme Court, the Government claimed and insisted that the Wren was the property of Frazer, Trenholm & Co., a firm whose members, or a portion of them, were citizens of, and who were agents for, the so-called Confederate (or Rebel) States, and was, therefore, enemy property.

FIFTH.—They except to his refusal to make the finding of fact, that, on the other hand, it was denied on behalf of the claimant by these garnishees, through their counsel, that the vessel was so owned, and it was represented, urged, and insisted that the Wren was the property of John Laird, the younger, the respondent herein, and was, therefore, not enemy property.

SIXTH.—They except to his refusal to make the finding of fact, that the Supreme Court decided that the Wren was the property of John Laird, Jr., the respondent herein, and was, therefore, not enemy property.

SEVENTH.—They except to his refusal to make the finding of fact, that on the 12th March, 1869, Mr. Ward wrote Mr. Bethel, his attorney at Key West, saying, "until otherwise advised, hold the suit where it is, staying further proceedings for the present, but do not discontinue. If necessary to enable the Court to forward the check, stipulate as may be proper. I inclose a copy of a letter from Messrs. Foster & Thomson to their attorney" (their letter of March 13th to Mr. Dockray, next mentioned) "for your information. Advise me by telegraph the day the check leaves Key West."

EIGHTH.—They except to his refusal to make the finding of fact, that on the 13th March, 1869, Foster & Thomson wrote to Mr. Dockray, advising him that Mr. Ward had decided to make no objection to the forwarding by the Judge to them of his check for the money, and inclosing to him a copy of the letter of the 12th of March, from Mr. Ward to Mr. Bethel, and directing him to obtain the check payable to their order and forward it to them.

NINTH.—They except to his refusal to make the finding of fact, that on the 18th of March, 1869, Mr. Dockray, who was attorney of the United States for the Southern District of Florida, wrote Messrs. Foster & Thomson, saying, "In the case of the steamer Wren, John Laird, owner, &c., I would have written you several weeks ago if I was at liberty to take any action in your interest. While representing the Government, and bound by the instructions of the Attorney-General, it has not been possible for me to serve you as indicated in yours of the 5th of January. Before the mandate of the Supreme Court of the United States reached the Clerk of the Court at Key West, the acting United States Attorney had filed a petition in a cause of possession against the proceeds of the sale of the Wren, the monition being returnable December 1st, 1868. * * * I am at present precluded from taking any steps without further directions."

TENTH.—They except to his refusal to make the finding of fact, that on the 25th March, 1869, Foster & Thomson wrote to Mr. Dockray, saying that they had been informed that directions had been sent from the office of the Attorney-General to discontinue the suit brought in behalf of the United States against the proceeds of the Wren, and adding: "These directions, together with the withdrawal of opposition by the Messrs. Cushing, will, no doubt, enable you to obtain and forward the Judge's check to our order."

ELEVENTH.—They except to his refusal to make the finding of fact, that on the 26th March, 1869, Mr. Dockray wrote Foster & Thomson that he should move to set aside the process and attachment in the

suit brought by these libellants against Laird, in Florida, for want of jurisdiction.

TWELFTH.—They except to his refusal to make the finding of fact, that on the 8th day of May, 1869, Mr. Ward telegraphed to Mr. Bethel, directing him to consent absolutely to forwarding to Foster & Thomson the Judge's check for the proceeds of the Wren, drawn to their order, and to require no bond or stipulation.

THIRTEENTH.—They except to his refusal to make the finding of fact, that on the same day, in the same suit, a paper was filed in the Court entitled in the suit and signed, "John Laird, by F. A. Dockray, attorney and proctor," and reading, "And now comes John Laird, by his attorney and proctor, F. A. Dockray, and moves the Court for an order dissolving the attachment herein." Appended to and filed with this paper was a consent signed by Mr. Bethel's firm, as proctors for the libellants consenting to such motion, "absolutely and without stipulation or bond."

FOURTEENTH.—They except to his refusal to make the finding of fact, that the District Court, in Florida, condemned the "Wren" as a lawful prize of war, on the ground that she was the property of enemies of the United States. The Supreme Court reversed that decree, and found, and was necessarily obliged to find, that the "Wren" was the property of Laird, the claimant. Foster & Thomson actually prosecuted the appeal in the Supreme Court, and procured that Court and the Prize Court to declare that the averment of ownership in Laird, made in the claim and answer in the prize suit was true, and that the steamer "Wren," at the time of her capture and condemnation, belonged to John Laird, the younger, the respondent in this suit. The proceeds of the "Wren," now under attachment in this cause, were received by the garnishees, as the property of John Laird, the younger, the respondent in this cause, and are the property of said Laird.

FIFTEENTH.—They except to his refusal to make the finding of fact, that the proceeds of the Wren were duly attached in the United States District Court, in Florida, as the property of John Laird, Jr., in the suit brought there in behalf of the libellants herein.

SIXTEENTH.—They except to his refusal to make the finding of fact, that Foster & Thomson procured the consent of Mr. Ward to the discharge of that attachment, by representing to him that they were the agents of John Laird, Jr., and that the funds, when in their hands, would be subject to the attachment in this suit if served upon them in like manner, as such funds were already under attachment in the Court in Florida.

SEVENTEENTH.—They except to his refusal to make the finding of fact, that Mr. Ward gave the consent to the discharge of that attachment, in reliance upon that representation.

EIGHTEENTH.—They except to his refusal to make the finding of fact, that in all the negotiations between Foster & Thomson and Mr. Ward, the former gave the latter to understand that they were acting for Laird and Stiles.

NINETEENTH.—They except to his refusal to make the finding of fact, that the sole object, as represented by Foster & Thomson, and agreed to by Mr. Ward, of the dissolution of the attachment in the

District Court in Florida, and the receipt of the money by Foster & Thomson, was to transfer the litigation to this District, and not in any wise to prejudice the rights of the libellants in reference to said fund.

TWENTIETH.—They except to his refusal to find as a conclusion of law, that the Prize Court in Florida condemned the Wren as enemy property.

TWENTY-FIRST.—They except to his refusal to find as a conclusion of law, that the Supreme Court, in reversing that decree, decided that the Wren was not enemy property, but was the property of John Laird, Jr.

TWENTY-SECOND.—They except to his refusal to find as a conclusion of law, that the garnishees acting for Prioleau procured the Supreme Court to make that decision.

TWENTY-THIRD.—They except to his refusal to find as a conclusion of law, that Prioleau is chargeable with notice of all the proceedings in the Prize Court and in the Supreme Court.

TWENTY-FOURTH.—They except to his refusal to find as a conclusion of law, that the proceeds of the Wren in the Prize Court were subject to the attachment served upon them in the District Court of Florida at the time when the consent of the libellant's proctor to the dissolution of such attachment was obtained.

TWENTY-FIFTH.—They except to his refusal to find as a conclusion of law, that the decision of the Supreme Court binds the garnishees herein and Prioleau, and is conclusive against them and cannot be re-examined in this suit.

TWENTY-SIXTH.—They except to his refusal to find as a conclusion of law, that Prioleau is estopped from denying in this suit that John Laird, Jr., was the owner of the Wren, and of the proceeds thereof, when the same were attached herein.

TWENTY-SEVENTH.—They except to his refusal to find as a conclusion of law, that the garnishees are estopped from setting up, that these funds in their hands are not subject to the attachment in this suit; and also from setting up that John Laird, Jr., was not the owner thereof, or that Prioleau was the owner thereof, when the attachment herein was served.

The libellants also except to the refusal of the said Judge to dismiss the appeal.

And inasmuch as the said several matters produced and given in evidence on the trial in said Circuit Court, and by the counsel for the libellants objected and insisted upon, and the said exceptions do not appear by the record of the decree of said Chief Justice, the counsel for the said libellants have prepared and caused this Bill of Exceptions to be settled as a record thereof, according to the form of the statute in such case made and provided and the course and practice of the Court, and ordered on file by the Judge thereof.

Dated Oct. 12, 1878. M. R. WAITE.

A.

United States of America—Department of State.

To all to whom these presents shall come, Greeting;

I certify, that the papers hereto annexed are true copies from the files of this department.

In testimony whereof, I, WILLIAM M. EVARTS, Secretary of State of the United States, have hereunto subscribed my name and caused the Seal of the Department of State to be affixed.

Done at the City of Washington, this 27th day of
[SEAL.] October, A.D. 1877, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

NEWBURYPORT, 19th Nov., 1864.

SIR: In behalf of John N. Cushing and others, owners of the ship "Sonora," destroyed at sea by Capt. Semmes, of the cruiser called the Alabama, I beg leave to file the inclosed memorial of protest, asking the intervention of the United States to obtain reparation therefor from the Government of Great Britain, or others, responsible in the premises.

I am,
Very respectfully,
C. CUSHING.

Hon. WM. H. SEWARD,
Secretary of State.

To the Honorable William H. Seward, Secretary of State, Washington, D. C.

The memorial of John N. Cushing, William Cushing, Nicholas Johnson, Mary A. Johnson, Elizabeth Le B. Wills, Thomas Pritchard, Jr., and William Pritchard, citizens of the United States, residing in Newburyport, in the State of Massachusetts, sole owners of the American ship "Sonora," respectfully represents:

That said ship being legally registered American ship, sailed from the port of Hong Kong, in China, on or about the twenty-sixth of November, A.D. 1863, bound to the port of Akyab, in British India, where, or at a neighboring port she was to load with rice or general merchandise for Europe, under charter party made and contracted with Messrs. C. F. Weber & Co., merchants of London, in Great Britain, and had proceeded upon her voyage as far as about latitude 3 degrees north, longitude 101 degrees east, in the Straits of Malacca, where, on the twenty-sixth day of December, A.D. 1863, she was boarded by, and declared to be a prize to a vessel, calling herself "the Confederate States Man of War Alabama," which immediately took possession of said ship against the remonstrance of the master, and on the same day the said ship was set on fire by the order of one Semmes, calling himself the captain of said steamer, and was totally destroyed, and her officers and crew were sent on board said steamer, in the ship's boats, and were afterwards, on the same day, set adrift in their boats in the said Straits of Malacca.

And now we, the said John N. Cushing, William Cushing, Nicholas Johnson, Mary A. Johnson, Elizabeth Le B. Wills, Thomas Pritchard,

Jr., and William Pritchard, sole owners of said ship "Sonora," do enter our solemn protest against the destruction thereof, and do by these presents demand of the Government of Great Britain full reparation for the same, in the sum of thirty thousand dollars of the gold coin of the United States, such being the value of said ship, and equal to fifty-five thousand eight hundred dollars of the currency of the United States, on the thirtieth day of May, A.D., 1864, when we received from the Columbian Marine Insurance Company of the city of New York, the sum of thirty thousand dollars of the currency of the United States, said company having insured said ship against capture and destruction to that extent, and we also demand of said Government the additional sum of four thousand four hundred pounds sterling, such being the value of said charter, and equal to thirty-three thousand two hundred and forty-four $\frac{44}{100}$ dollars of the currency of the United States, at the time the ship was destroyed.

Your memorialists would further represent that they make and predicate this protest and demand, upon the facts hereinafter stated, which can be verified whenever it shall be necessary so to do. Said vessel calling herself the Confederate States Man of War Alabama, was built at the port of Birkenhead, Great Britain, and was allowed to leave British waters, although information as to her character, and the intention to use her as a crusier to prey upon the commerce of the United States, then and now at peace with Great Britain, was lodged with the British Government. That the said steamer Alabama (then called the "290") was allowed to leave said waters upon giving a bond to return, which it was well known was intended to be forfeited. That she did leave the waters of Great Britain the latter part of July, 1862, under the protection of the British flag, and manned by British subjects. That had the American man of war "Tuscarora," or any other legally authorized man of war of the United States seized her after leaving said British waters, she would have claimed her British ownership and her flag as her protection. But said steamer was allowed to leave port under pretense of making a trial trip, and has never been in any port of the so-called "Confederate States."

Your memorialists would further represent that said steamer, after thus fraudulently leaving the ports of Great Britain against the Queen's proclamation of neutrality, repeatedly visited, or came within the jurisdiction of certain British islands in the Atlantic Ocean, when and where it was well known and patent to the world that she had destroyed American vessels upon the high seas, and instead of being seized and detained by the officers of the British Government, as they were in duty bound to do, and which Mr. Adams had been assured should be done, either at Queenstown or Bermuda, whereby the Government acknowledged their duty, and admitted their right, to seize and detain her whenever she came within their jurisdiction, was allowed every facility for obtaining supplies and advice, and to resume her cruise; that no examination was ever made by said British Government, through their constituted agents and officers, as to the manning of said steamer by British subjects, or of the prostitution of the British flag, by thus giving protection to said steamer, and that she was, and has continued to be, until after the

capture of your memorialists' ship "Sonora," principally manned by British subjects.

In view of these matters, and of others which may be made to appear, your memorialists do now and forever enter their solemn protest against the British Government and people, as willing parties, negligently culpable in the destruction of that property upon the high seas, and thus in fact violating the proclamation of the Queen by building and manning said steamer, and then allowing her to continue her depredations. And they ask, through the Government of the United States, that a proper representation may be made of their loss, that, in the end, due reparation may be awarded to them by the said Government of Great Britain, or that the Government of the United States may assume the same, in discharge of its obligation to protect the rights of citizens thus wantonly violated.

And as in duty bound will ever pray.

JOHN N. CUSHING, [SEAL.]
WILLIAM CUSHING, [SEAL.]
NICHOLAS JOHNSON, [SEAL.]
MARY A. JOHNSON, [SEAL.]
ELIZABETH LE B. WILLS, [SEAL.]
THOMAS PRITCHARD, JR., [SEAL.]
WILLIAM PRITCHARD, [SEAL.]

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Essex, } *ss.:*

Be it known to all to whom it does or may concern, than on this 11th day of July, in the year of our Lord one thousand eight hundred and sixty-four, before me, Edward W. Rand, a notary public and justice of the peace, under the Great Seal of the Commonwealth, duly commissioned and sworn, at my office, in the city of Newburyport, personally came John N. Cushing, Nicholas Johnson, Mary A. Johnson, Elizabeth Le B. Wills, Thomas Pritchard, Jr., and William Pritchard, residents of this city, to me well known, and made before me the foregoing memorial and protest, declaring the same to be just and true; wherefore, at the request of the said appearers, I have caused the same to be verified by the oaths of said appearers, and to be entered in my notarial records, to serve as occasion may require.

In testimony whereof, I hereto affix my official seal the day of the date above written.

[L. S.] EDWARD W. RAND,
Notary Public and Justice of the Peace.

United States of America—Department of State.

To all to whom these presents shall come, greeting:

I certify that the paper hereto annexed is an extract from the evi-

dence submitted by the agent of the United States to the Tribunal of Arbitration, under the provisions of the treaty between the United States and Her Britannic Majesty, concluded on the 8th day of May, 1871, at the first conference held at Geneva, in Switzerland, on the 15th day of December, 1871.

In testimony whereof, I, William M. Evarts, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

[SEAL.]

Done at the City of Washington, this 27th day of October, A.D. 1877, and of the Independence of the United States of America, the one hundred and second.

WM. M. EVARTS.

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* * * * * * *

SONORA.

Ship Sonora of Newburyport, Massachusetts, 707 $\frac{63}{95}$ tons burden, L. W. Brown, Master; William Cushing, $\frac{24}{96}$; John N. Cushing, $\frac{24}{96}$; Nicholas Johnson, $\frac{20}{96}$; Mary A. Johnson, $\frac{5}{96}$; Elizabeth L. B. Mills, $\frac{5}{96}$; William Pritchard, $\frac{3}{96}$; Thomas Pritchard, $\frac{15}{96}$, owners; all of Newburyport. Sailed from Hong Kong on the 26th of November, 1863, bound for Akyab, British India. On the 26th of December, 1863, while anchored in the Straits of Malacca, and in latitude 3 deg. north, longitude 101 deg. east, was captured and burned by the Alabama. The officers and crew of the Sonora were allowed to take a portion of their clothing and then set adrift in their small boats without provisions, charts, compass, or sails.

Total claims filed, $89,044.44.

Claims.

OWNERS.

Loss of vessel above insurance	$25,800 00
Loss of Charter	33,244 44
	$59,044 44

COLUMBIAN INSURANCE COMPANY, NEW YORK.

Insurers on vessel	$30,000 00

List of Papers.

JOHN N. CUSHING (OWNER AND AGENT FOR OWNERS).

a. Letter from C. Cushing in behalf of owners, transmitting—*b.* Sworn memorial; *c.* Letter from John N. Cushing; *d.* Certified copy of register; *e.* Copy of policy of insurance; *f.* Affidavit of John N. Cushing, verifying charter; *g.* Certificate of identity

of John N. Cushing; *h.* Affidavit of John Currier as to value of ship; *i.* Certificate of identity of John Currier; *j.* Original marine protest of master.

COLUMBIAN INSURANCE COMPANY, NEW YORK.

a. Letter from attorney, transmitting—*b.* Statement of facts by Townsend Scudder, attorney; *c.* Certified copy of marine protest of master; *d.* certified copy of register; *e.* Policy of insurance; *f.* Notification of havir, paid William Cushing the amount of his claim for insurance.

* * * * * * *

United States of America—Department of State.

To all to whom these presents shall come, greeting:

I certify that the paper hereto annexed is a true extract from the files of this department.

In testimony whereof, I, William M. Evarts, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

[SEAL.]

Done at the City of Washington, this 27th day of October, A.D. 1877, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

ALABAMA CLAIMS.

Protocol 1.

Record of the proceedings of the Tribunal of Arbitration, under the provisions of the treaty between the United States of America and Her Britannic Majesty, concluded on the 8th of May, A.D. 1871, at the first conference held at Geneva, in Switzerland, on the fifteenth day of December, in the year of Our Lord one thousand eight hundred and seventy-one.

* * * * * * *

J. C. Bancroft Davis, Esquire, attended the conference as the agent of the United States; the Right Honorable Lord Tenterden attended as the agent of Her Britannic Majesty.

* * * * * * *

Mr. J. C. Bancroft Davis then presented in duplicate to each of the arbitrators, and to the agent of Great Britain, the printed case of the United States, accompanied by the documents, official correspondence and other evidence on which they rely.

* * * * * * *

J. C. BANCROFT DAVIS,
TENTERDEN.

ALEX. FAVROT,
Secretaire.

United States of America—Department of State.

To all to whom these presents shall come, greeting:

I certify that the document hereunto annexed is a true copy from the records in this department.

In testimony whereof, I, Wm. M. Evarts, Secretary of State of the United States, have hereunto subscribed my name and caused the Seal of the Department of State to be affixed.

[SEAL.]

Done at the City of Washington, this 19th day of October, A.D. 1877, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

In the Honorable the Court of Commissioners of Alabama Claims.

JOHN NEWMARCH CUSHING, WILLIAM CUSHING; John Newmarch Cushing, and William Cushing, trustees under the will of Nicholas Johnson, deceased; Elizabeth H. Pritchard, executrix of the will of William Pritchard, deceased; Keturah M. Pritchard, executrix of the will of Thomas Pritchard, Jr., deceased; William Cushing, administrator of the estate of Mary Anthony Johnson, deceased, and Elizabeth Le Breton Wills,

Complainants.

vs.

THE UNITED STATES,

Respondents.

To the Honorable the Justices of the Court of Commissioners of Alabama Claims.

The petition of John Newmarch Cushing, William Cushing, John Newmarch Cushing, and William Cushing, trustees, under the will of Nicholas Johnson, deceased; Elizabeth H. Pritchard, executrix of the will of William Pritchard, deceased, Keturah M. Pritchard, executrix of the will of Thomas Pritchard, Jr., deceased; William Cushing, administrator of the Estate of Mary Anthony Johnson, deceased; and Elizabeth Le Breton Wills, of Newburyport, Massachusetts.

Your petitioners are, and the said Nicholas Johnson, William Pritchard, Thomas Pritchard, Jr., and Mary Anthony Johnson, were residents and citizens of the City of Newburyport, County of Essex,

State of Massachusetts, and were born in the said city, county, and State, on the following dates:

John N. Cushing, October 21st, 1820; William Cushing, August 10th, 1823; Nicholas Johnson, November 13th, 1827; William Pritchard, March 28th, 1802; Thomas Pritchard, Jr., January 14th, 1811; Mary A. Johnson, December 20th, 1806; Elizabeth Le Breton Wills, October 4th, 1829; Elizabeth H. Pritchard, July 31st, 1805; Keturah M. Pritchard, March 11th, 1813.

Between the 13th day of April, 1861, and the 9th day of April, 1865, both inclusive, they resided at said city of Newburyport, county and State aforesaid, except when on the high seas, sailing under the American flag.

They were all native-born citizens of the United States, and were never naturalized in any other country than the United States, and no steps were ever taken by either of them toward being so naturalized; and at all times during the late rebellion, each and all of them bore true allegiance to the United States.

The said John N. Cushing, William Cushing, Nicholas Johnson, William Pritchard, Thomas Pritchard, Jr., Mary A. Johnson, and Elizabeth Le Breton Wills, were the owners of the ship Sonora, of Newburyport, Massachusetts, whereof Lawrence W. Brown was master at the time of her seizure and destruction by the so-called rebel cruiser Alabama, as hereinafter stated.

They owned the said vessel in the following proportions, viz.:

John N. Cushing	$\frac{24}{96}$
William Cushing	$\frac{24}{96}$
Nicholas Johnson	$\frac{20}{96}$
William Pritchard	$\frac{3}{96}$
Thomas Pritchard	$\frac{15}{96}$
Mary A. Johnson	$\frac{5}{96}$
Elizabeth Le Breton Wills	$\frac{5}{96}$

The said ship "Sonora" was built at Newburyport, Massachusetts, in 1854. She was well built, was tight, staunch, and strong. She had two decks, three masts, and was copper or yellow metal sheathed. Her length was 150 feet 6 inches; breadth, 32 feet; depth, 16 feet; and her measurement, $707\frac{83}{95}$ tons. She was registered at the port of Boston and Charleston, Massachusetts, December 7th, 1861, under which register she was sailing and flying the American flag, at the time of her seizure and destruction as hereinafter stated.

Her owners were all loyal resident citizens of the United States, and were at the time of her destruction entitled to the protection of the United States in the premises.

On the 24th day of July, 1863, the said ship "Sonora" commenced fitting out at Melbourne, Australia, for a voyage from that port, via Hong Kong, China, for the port of Akayaba, in British India, under and in

compliance with a charter-party made with C. F. Weber, Esq., merchant and freighter of London, England, and duly executed on the 10th and 24th days of April, 1863; a copy of which is on file with the petition of the owners of the Sonora, in the Department of State, to which reference is made.

On the morning of the 26th day of December, 1863, the said ship "Sonora" was seized and destroyed with all her tackle, apparel, furniture, supplies, outfit, books, and papers, by the so called rebel cruiser "Alabama," commanded by Rafael Semmes, in latitude of 3° north, longitude 101° east, about midway between Malacca and Penang, in the straits of Malacca, on her said voyage. The value of the said ship "Sonora," at the time of her seizure and destruction, as aforesaid, was fifty-five thousand eight hundred (55,800.00) dollars.

She was insured in the Columbian Insurance Company of New York, for thirty thousand ($30,000.00) dollars, which sum of money the owners received from said insurance company, on the 30th day of May, 1864. The loss on said ship was twenty-five thousand dollars.

The net value of said charter-party, which would have been executed and accomplished within a period of ten months, from the commencement of her said voyage on the 24th day of July, 1863, was twenty-nine thousand and sixty-one $\frac{45}{100}$ ($29,061.45) dollars, of which one-half, amounting to fourteen thousand five hundred and thirty $\frac{72}{100}$ (14,530.72) dollars had been already earned at the time of the destruction of said ship, your petitioners are entitled to compensation for said loss in the sum of fourteen thousand five hundred and thirty $\frac{72}{100}$ ($14,530.72) dollars.

The cost and value of the outfit and supplies on board the said ship "Sonora" at the time of her destruction, amounted to four thousand and nine hundred and twenty-nine $\frac{51}{100}$ ($4,929.51) dollars, for which your petitioners are entitled to compensation in this case.

But if the petitioners shall not receive the one half of the freight earned under said charter-party as aforesaid, then they will be entitled to the whole of the said cost and value of said outfit and supplies, at the commencement of said voyage, amounting to six thousand two hundred and fifty-four $\frac{64}{100}$ ($6,254.64) dollars.

The owners of the said ship Sonora paid advance wages to officers and to the crew shipped at Singapore, on the 9th day of December, 1863, seventeen days prior to the destruction thereof, amounting to seven hundred and thirty-seven $\frac{80}{100}$ ($737.80) dollars, for which they are entitled to compensation.

The cost of obtaining the said charter-party of said voyage was thirteen hundred and fifty-three $\frac{15}{100}$ ($1,353.15) dollars, commissions paid Graseman & Co., brokers, of London, England.

The net earnings of the said ship "Sonora," for one year from the time she was destroyed as aforesaid would have been thirty-four thousand eight hundred and seventy-three $\frac{68}{100}$ ($34,873.68) dollars.

The owners of said ship filed in the Department of State, on the day of November, 1865, a petition in the premises which was duly signed and sworn to by each of said owners as required by law.

Said Nicholas Johnson died at Newburyport, Massachusetts, June 5th, 1868. And the petitioners, John N. Cushing and William Cush-

ing, are the trustees under the will of the said Nicholas Johnson, deceased.

Said William Pritchard died at Newburyport, Massachusetts, October 4th, 1867, and the petitioner, Elizabeth H. Pritchard, is the executrix of the will of the said William Pritchard, deceased.

Said Thomas Pritchard, Jr., died at Newburyport, Massachusetts, November 2d, 1865, and the petitioner, Keturah M. Pritchard, is the executrix of the will of the said Thomas Pritchard, Jr., deceased.

Said Mary Anthony Johnson, died at Newburyport, Massachusetts, January 10th, 1871, and the petitioner, William Cushing, is the administrator of the estate of the said Mary A. Johnson, deceased.

No assignment or transfer of this claim or any part thereof has ever been made.

Wherefore, your petitioners demand judgment against the United States, in the proportion of their several interests in said vessel, for the aggregate of said several losses and damages, amounting to eighty-two thousand two hundred and twenty-four $\frac{84}{100}$ ($82,224.84) dollars with interests thereon from the 26th day of December, 1863, at four per centum per annum.

ELIZABETH LE BRETON WILLS.

UNITED STATES OF AMERICA, *State of Georgia.* } ss.:

Elizabeth Le Breton Wills, Newburyport, Massachusetts, being duly sworn, deposes and says, she is one of the petitioners in the above entitled cause, that the foregoing petition is true, except as to matters therein stated on information and belief, and as to those matters she believes it to be true, and that the petitioners are entitled to the amount therein claimed.

(Signed) ELIZABETH LE BRETON WILLS.

Subscribed and sworn to before me, this 16th day of November, A.D. 1874.

W. M. MOORE,
U. S. Commissioner,
For the Southern Dist. of Georgia.

Claimant's P. O. address is
Newburyport, Mass.

Claimant's attorneys are
PAINE & GRAFTON, [L. S.]
412 Fifth street, Washington, D. C.

United States of America—Department of State.

To all to whom these presents shall come, greeting:

I certify, that the document hereunto annexed is a true copy from the records in this department.

In testimony whereof, I, William M. Evarts, Secretary of State of the United States, have hereunto subscribed my name and caused the Seal of the Department of State to be affixed.

[SEAL.]

Done at the City of Washington, this nineteenth day of October, A.D. 1877, and of the Independance of the United States of America the one hundred and second.

WM. M. EVARTS.

Copy.

UNITED STATES OF AMERICA, } ss.:
State of Georgia. }

Elizabeth L. Breton Wills, of Newburyport, Massachusetts, being duly sworn, deposes and says, she is one of the petitioners in the above entitled cause; that the foregoing petition is true except as to matters therein stated on information and belief, and as to those matters she believes it to be true, and that the petitioners are entitled to the amount therein claimed.

ELIZABETH L. BRETON WILLS.

Subscribed and sworn to, before me, this 16th day of November, A.D. 1874.

W. M. MOORE,
U. S. Commissioner,
For the Southern District of Georgia.

Claimant's post office address is
Newburyport, Mass.

Att'ys are
PAINE & GRAFTON, [L. S.]
412 Fifth street, Washington, D. C.

In the Honorable the Court of Commissioners of Alabama Claims.

JOHN NEWMARCH CUSHING, WILLIAM CUSHING; John Newmarch Cushing, and William Cushing, trustees under the will of Nicholas Johnson, deceased; Elizabeth Hoyt Pritchard, executrix of the will of William Pritchard, deceased; Keturah Morse Pritchard, executrix of the will of Thomas Pritchard, Jr., deceased; William Cushing, administrator of the estate of Mary Anthony Johnson, deceased, and Elizabeth Le Breton Wills,
Complainants.
vs.
THE UNITED STATES,
Respondents.

To the Honorable the Justices of the Court of Commissioners of Alabama Claims.

The petition of John Newmarch Cushing, William Cushing, John Newmarch Cushing and William Cushing, trustees, under the will of

Nicholas Johnson, deceased, Elizabeth Hoyt Pritchard, executrix of the will of William Pritchard, deceased; Keturah Morse Pritchard, executrix of the will of Thomas Pritchard, Jr., deceased; William Cushing, administrator of the estate of Mary Anthony Johnson, deceased, and Elizabeth Le Breton Wills, of Newburyport, Massachusetts. Your petitioners are and the said Nicholas Johnson, William Pritchard, Thomas Pritchard, Jr., and Mary Anthony Johnson, were residents and citizens of the City of Newburyport, county of Essex, State of Massachusetts, and were born in said city, county, and State, on the following dates, viz.:

John N. Cushing, October 21st, 1820; William Cushing, August 10th, 1823; Nicholas Johnson, November 13th, 1827; William Pritchard, March 28th, 1802; Thomas Pritchard, Jr., January 14th, 1811; Mary A. Johnson, December 20th, 1806; Elizabeth Le Breton Wills, October 4th, 1829; Elizabeth H. Pritchard, July 31st, 1805; Keturah M. Pritchard, March 11th, 1813. Between the 13th day of April, 1861, and the 9th day of April, 1865, both inclusive, they resided at said city of Newburyport, county and State aforesaid, except when on the high seas, sailing under the American flag.

They were all native born citizens of the United States, and were never naturalized in any other country than the United States, and no steps were ever taken by either of them toward being so naturalized; and at all times during the late rebellion, each and all of them bore true allegiance to the United States. The said John Cushing, John N. Cushing, William Cushing, Nicholas Johnson, William Pritchard, Thomas Pritchard, Jr., Mary A. Johnson, and Elizabeth Le Breton Wills, were the owners of a ship "Sonora," of Newburyport, Massachusetts, whereof Lawrence W. Brown was master at the time of her seizure and destruction by the so-called rebel cruiser Alabama, as herinafter stated, they owned the said vessel in the following proportions, viz.:

John N. Cushing..... $\frac{24}{96}$
William Cushing..... $\frac{24}{96}$
Nicholas Johnson..... $\frac{20}{96}$
William Pritchard..... $\frac{3}{96}$
Thomas Pritchard, Jr..... $\frac{15}{96}$
Mary A. Johnson..... $\frac{5}{96}$
Elizabeth Le Breton Wills..... $\frac{5}{96}$

The said ship "Sonora" was built at Newburyport, Massachusetts, in 1854. She was well built, was tight, staunch, and strong. She had two decks, three masts, and was copper or yellow metal sheathed. Her length was 150 feet 6 inches, breadth 32 feet, depth 16 feet, and her measurement $707\frac{83}{95}$ tons. She was registered at the port of Boston, and Charleston, Massachusetts, December 7th, 1861, under which register she was sailing and flying the American flag at the time of her seizure and destruction as hereinafter stated. Her owners were all loyal resident citizens of the United States, and were at the time of her destruction entitled to the protection of the United States in the premises. On the 24th day of July, 1863, the said ship Sonora commenced fitting out at Melbourne, Australia, for a voyage from that port, via Hong Kong, China, for the port of Akayab, in British India, under and in compliance with a charter

party made with C. F. Weber, Esq., merchant and freighter of London, England, and duly executed on the 10th and 24th days of April, 1863, a copy of which is on file with the petition of the owners of the Sonora, in the Department of State, to which reference is made.

On the morning of the 26th day of December, 1863, the said ship Sonora was seized and destroyed with all her tackle, apparel, furnifure, supplies, outfit, books, and papers by the so-called rebel cruiser Alabama, commanded by Rafael Semmes, in latitude 3° north, longitude 101° east, about midway between Malacca and Penang, in the Straits of Malacca, on her said voyage.

The value of the said ship Sonora at the time of her seizure and destruction as aforesaid, was fifty-five thousand eight hundred ($55,800.00) dollars. She was insured in the Columbian Insurance Company of New York for thirty-thousand ($30,000.00) dollars, which sum of money her owners received from said insurance company on the 30th day of May, 1864. The loss on said ship was twenty-five thousand dollars. The net value of said charter party, which would have been executed and accomplished within a period of ten months from the commencement of her said voyage, on the 24th day of July, 1863, was twenty-nine thousand and sixty-one $\frac{45}{100}$ ($29,061$\frac{45}{100}$) dollars, of which one half, amounting to fourteen thousand and five hundred and thirty $\frac{72}{100}$ ($14,530$\frac{72}{100}$) dollars, had been already earned at the time of the destruction of said ship. Your petitioners are entitled to compensation for said loss in the sum of fourteen thousand five hundred and thirty $\frac{72}{100}$ ($14,530$\frac{72}{100}$) dollars. The cost and value of the outfit and supplies on board the said ship "Sonora" at the time of her destruction amounted to four thousand nine hundred and twenty-nine $\frac{51}{100}$ ($4,929.51) dollars, for which your petitioners are entitled to compensation in this case. But if the petitioners shall not receive the one half of the freight earned under said charter party as aforesaid, then they will be entitled to the whole of the said cost and value of said outfit and supplies at the commencement of said voyage amounting to six thousand two hundred and fifty-four $\frac{64}{100}$ ($6,254.64) dollars.

The owners of the said ship Sonora paid advance wages to officers and the crew shipped at Singapore on the 9th day of December, 1863, seventeen days prior to the destruction thereof, amounting to seven hundred and thirty-seven $\frac{80}{100}$ ($737.80) dollars, for which they are entitled to compensation. The cost of obtaining the said charter party of said voyage was thirteen hundred and fifty-three $\frac{15}{100}$ ($1,353.15) dollars, commissions paid Graseman & Co., brokers, of London, England.

The net earnings of the said shipSonora for one year from the time she was destroyed as aforesaid, would have been thirty-four thousand eight hundred and seventy-three $\frac{6}{100}$ ($34,873.68) dollars.

The owners of said ship filed in the Department of State on the day of November, 1865, a petition in the premises which was duly signed and sworn to by each of said owners as required by law.

Said Nicholas Johnson died at Newburyport, Massachusetts, June 5th, 1868, and the petitioners John N. Cushing and William Cushing are the trustees under the will of the said Nicholas Johnson, deceased.

Said William Pritchard died at Newburyport, Massachusetts, October 4th, 1867, and the petitioner Elizebeth H. Pritchard is the executrix of the will of the said William Pritchard, deceased. Said Thomas Pritchard, Jr., died at Newburyport, Massachusetts, November 2d, 1865, and the petitioner Keturah M. Pritchard is the executrix of the will of the said Thomas Pritchard Jr., deceased.

Said Mary Anthony Johnson died at Newburyport, Massachusetts, June 10th, 1871, and the petitioner William Cushing is the administrator of the estate of the said Mary A. Johnson, deceased. No assignment or transfer of his claim or any part thereof has ever been made.

Wherefore your petitioners demand judgment against the United States in the proportion of their several interests in said vessel for the aggregate of said several losses and damages amounting to eighty-two thousand two hundred and twenty-four $\frac{84}{100}$ ($82,224,84) dollars, with interest thereon from the 26th day of December, 1863, at four per centum per annum.

JOHN NEWMARCH CUSHING,
WILLIAM CUSHING,
JOHN NEWMARCH CUSHING,
WILLIAM CUSHING,
Trustees under the will of Nicholas Johnson, deceased.

ELIZABETH HOYT PRITCHARD,
Executrix of the will of William Pritchard, deceased.

KETURAH MORSE PRITCHARD,
Executrix of the will of Thomas Pritchard, Jr., deceased.

WILLIAM CUSHING,
Administrator of the estate of Mary Anthony Johnson, deceased.

COMMONWEALTH OF MASSACHUSETTS, *County of Essex.* } ss.:

John N. Cushing, Elizabeth H. Pritchard, William Cushing, and Keturah M. Pritchard, having been first duly sworn, on their said oaths, depose and say, that they are petitioners in the above entitled cause, that the foregoing petition is true, except as to matters therein

stated on information and belief, and as to those matters they believe it to be true, and that the petitioners are entitled to the amount therein claimed.

(Signed) JOHN N. CUSHING,
ELIZABETH HOYT PRITCHARD,
WILLIAM CUSHING,
KETURAH MORSE PRITCHARD.

Subscribed and sworn to, before me this eighteenth day of November, A. D., 1874.

E. F. BARTLETT,
Clerk Police Court,
District of Newburyport, a Court of Record.

[L. S.]

United States of America.—Department of State.

To all to whom these presents shall come, Greeting:

I certify that the document hereunto annexed is a true copy from the records in this Department.

In testimony whereof I, WM. M. EVARTS, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

SEAL.

Done at the city of Washington, this nineteenth day of October, A.D. 1877, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

In the Court of Commissioners of Alabama Claims.

JOHN N. CUSHING AND OTHERS *vs.* THE UNITED STATES. } No. 288.

The United States, by John A. J. Creswell, their counsel, demur to the complainant's petition, and move to dismiss the same for defects in matters of substance, as follows:

1. Because it does not state whether the said complainant has received any compensation or indemnity from any insurance company, insurer, or otherwise, for or on account of his said claim.

J. A. J. C.,
Counsel of the U. S.

In the Court of Commissioners of Alabama Claims.

JOHN N. CUSHING AND OTHERS
vs.
THE UNITED STATES. } No. 288.

The United States, by John A. J. Creswell, their counsel, demur to the complainant's petition, and move to dismiss the same for defects in matters of substance as follows:

1. Because it does not state whether the said complainants have received any compensation or indemnity from any insurance company, insurer, or otherwise, for or on account of their said claim.

JNO. A. J. CRESWELL,
Counsel of the United States.

United States of America.—Department of State.

To all to whom these presents shall come, Greeting:

I certify that the document hereunto annexed is a true copy from the records is this Department.

In testimony whereof, I, WM. M. EVARTS, Secretary of State of the United States, have hereunto subscribed my name and caused the Seal of the Department of State to be affixed.

[SEAL].

Done at the city of Washington, this nineteenth day of October, A.D. 1877, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

In the Court of Commissioners of Alabama Claims.

288.

JOHN N. CUSHING, WILLIAM CUSHING; John N. Cushing and William Cushing, trustees under the will of Nicholas Johnson, deceased; Elizabeth H. Pritchard, executrix of the will of William Pritchard deceased; Keturah M. Pritchard, executrix of the will of Thomas Pritchard, Jr., deceased; William Cushing, administrator of the estate of Mary A. Johnson, deceased; Elizabeth Le B. Wills,

Complainants,

vs.

THE UNITED STATES,

Respondents.

AMENDMENT TO PETITION.

To the Honorable the Justices of the Court of Commissioners of Alabama Claims:

Now comes your petitioners, and by consent of this Honorable Court, first asked and obtained, file the following amendments to their petition in this cause. Your petitioners have never received any compensation or indemnity from any insurance company, insurer, or, otherwise, for or on account of their said losses, except as in their petition stated.

JOHN N. CUSHING,
WILLIAM CUSHING,
JOHN N. CUSHING,
WILLIAM CUSHING,
Trustees under the will of Nicholas Johnson, deceased.
ELIZABETH H. PRITCHARD,
Executrix of the will of William Pritchard, deceased.
KETURAH M. PRITCHARD,
Executrix of the will of Thomas Pritchard, Jr., deceased.
WILLIAM CUSHING,
Administrator of the estate of Mary A. Johnson, deceased.

Commonwealth of Massachusetts, } ss.:
County of Essex. }

John N. Cushing, William Cushing, Elizabeth H. Pritchard, and Keturah M. Pritchard, having been first duly sworn, on their said oaths, depose and say: That they are petitioners in the above entitled cause; that the foregoing amendment to the petition is true, except as to matters therein stated on information and belief, and as to those matters, they believe it to be true.

JOHN N. CUSHING,
WILLIAM CUSHING,
ELIZABETH H. PRITCHARD,
KETURAH M. PRITCHARD.

Subscribed and sworn to before me this 18th day of November, A. D., 1874.
[SEAL.]

E. F. BARTLETT,

Clerk Police Court Dist. of Newburyport, the same being the Court of Record.

United States of America—Department of State.

To all to whom these presents shall come, Greeting:

I certify that the document hereunto annexed is a true copy from the records in this department.

In testimony whereof, I WM. M. EVARTS, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.
[L. S.]

Done at the city of Washington, this nineteenth day of October, A.D., 1877, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

In the Court of the Commissioners of Alabama Claims.

JOHN N. CUSHING, WILLIAM CUSHING. John N. Cushing and William Cushing, trustees under the will of Nicholas Johnson, deceased; Elizabeth H. Pritchard, executrix of the will of William Pritchard, deceased; Keturah M. Pritchard, executrix of the will of Thomas Pritchard, Jr., deceased; William Cushing, administrator of the estate of Mary A. Johnson, deceased; Elizabeth Le B. Wills,

Complainants,

against

THE UNITED STATES,

Respondents.

AMENDMENT TO PETITION.

To the Honorable the Justices of the Court of Commissioners of Alabama Claims:

Now comes your petitioners, and by consent of this Honorable Court first asked and obtained, files the following amendment to their petition in this cause: Your petitioners have never received any compensation or indemnity from any insurance company, insurer, or otherwise, for or on account of their said losses, except as in their petition stated.

ELIZABETH LE BRETON WILLS.

United States of America, } ss.
State of Georgia. }

Elizabeth Le Breton Wills, of Newburyport, Massachusetts, having been duly sworn, on her said oath, deposes and says that she is one of the petitioners in the above entitled cause, that the foregoing amendment to the petition is true, except as to matters therein stated on information and belief, and as to those matters she believes it to be true.

ELIZABETH LE BRETON WELLS. [SEAL.]

Subscribed and sworn to before me, }
this 24th day of December, A.D., 1874. }

W. M. MOORE,
U. S. Com'r,
For the Southern District of Georgia.

United States of America.—Department of State.

To all to whom these presents shall come, Greeting:

I certify that the document hereunto annexed is a true copy from the records in this Department.

In testimony whereof, I, WM. M. EVARTS, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of
[L. S.] State to be affixed.
Done at the city of Washington, this nineteenth day of October, A.D., 1877, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

Court of Commissioners of Alabama Claims.

JOHN NEWMARCH CUSHING, *et al.*
vs.
THE UNITED STATES. } No. 288.

AMENDED PETITION.

The complainants demand judgment for $134,893.34, including value of ship ($115,869.50 less insurance $30,000), $85,869.50, net freight $44,094.33, and stores $4,929.51.

PAINE & GRAFTON,
Complainants' Attorneys.

United States of America—Department of State.

To all to whom these presents shall come, Greeting:

I certify that the document hereunto annexed is a true copy from the records in this Department.
In testimony whereof, I, WILLIAM M. EVARTS, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.
Done at the city of Washington, this twentieth day of October, A.D., 1877, and of the Independence of the United States of America the one hundred and second.

[L. S.] WM. M. EVARTS.

WEDNESDAY, June 2nd, 1875.

The Court of Commissioners of Alabama claims met pursuant to adjournment.

Present: WELLS, Presiding Judge.
" RAYNE, " "
" PORTER, " "
" JEWELL, " "

The minutes of the preceding session were read and adopted.

* * * * * * * *

ISAAC N. COLBY
vs.
THE UNITED STATES. } No. 287.

The Court having heard the proofs and arguments submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring), enter judgment in favor of the claimant, Isaac N. Colby, for the sum of two thousand and thirty-nine dollars, (2,039 $\frac{00}{100}$), the mount of the actual loss and damage by him sustained.

And the Court find that interest on the said sum is due to the claimant, at the rate of four per cent. per annum, from the twenty-sixth day of December, 1863, which interest amounts on this day to the sum of nine hundred and thirty-two dollars, fifty cents, ($932 $\frac{50}{100}$).

LAWRENCE W. BROWN,
vs.
THE UNITED STATES. } No. 286.

The Court having heard the proofs and arguments submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant, Lawrence W. Brown, for the sum of four thousand three hundred and seventy dollars (4,370.$\frac{00}{100}$) the amount of the actual loss and damage by him sustained, which sum includes the complainant's privilege as master of the ship Sonora, the sum of eight hundred and thirty-nine dollars, eighty-nine cents ($839.89).

The Court having heard the proofs and arguments, submitted by the respective parties in this case, and their counsel, and having duly

examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant William Cushing, administrator, for the sum of one thousand eight hundred and thirty-six dollars, fifty cents ($1,836.50), the amount of the actual loss and damage by him sustained.

And the Court finds that interest on the said sum is due to the claimant, at the rate of four per cent. per annum, from the twenty-sixth day of December, 1863, which interest amounts on this day to the sum of one thousand nine hundred and ninety-eight dollars, fifty-four cents ($1,998.54).

JOHN N. CUSHING *et al.* *vs.* THE UNITED STATES. } No. 288.

The Court having heard the proofs and arguments, submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant John N. Cushing, for the sum of eight thousand eight hundred and fifteen dollars, twenty cents ($8,815.20), the amount of the actual loss and damage by him sustained.

And the Court find that interest on the said sum is due to the claimant, at the rate of four per cent. per annum, from the 26th day of December, 1863, which interest amounts on this day to the sum of four thousand and thirty-one dollars, forty-eight cents ($4,031.48.)

The Court having heard the proofs and arguments, submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant E. L. Wills, for the sum of one thousand eight hundred and thirty-six dollars and fifty cents ($1,836.50), the amount of the actual loss and damage by him sustained.

And the Court find that interest on the said sum is due to the claimant, at the rate of four per cent. per annum, from the twenty-sixth day of December, 1863, which interest amounts on this day to the sum of eight hundred and thirty-nine dollars, eighty-nine cents ($839\frac{89}{100}$).

The Court having heard the proofs and arguments submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant, R. M. Pritchard, executor, for the sum of five thousand five hundred and nine dollars, fifty cents ($5,509\frac{50}{100}$), the amount of the actual loss and damage by him sustained.

And the Court find that interest on the said sum is due to the claimant at the rate of four per cent. per annum, from the 26th day of December, 1863, which interest amounts on this day to the sum of two thousand five hundred and nineteen dollars, sixty-seven cents ($2,519\frac{67}{100}$).

The Court having heard the proofs and arguments, submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant, Elizabeth Pritchard, executrix, for the sum of one thousand one hundred and one dollars, ninety cents ($1,101.$\frac{90}{100}$), the amount of the actual loss and damage by her sustained.

And the Court find that interest on the said sum is due to the claimant at the rate of four per cent. per annum, from the twenty-sixth day of December, 1863, which interest amounts on this day to the sum of five hundred and three dollars, ninety-three cents ($503.-$\frac{93}{100}$).

The Court having heard the proofs and arguments, submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant, J. N. and Wm. Cushing, trustees, &c., for the sum of seven thousand three hundred and forty-six dollars ($7,346.$\frac{00}{100}$), the amount of the actual loss and damage by them sustained.

And the Court find that interest on the said sum is due to the claimant, at the rate of four per cent. per annum, from the twenty-sixth day of December, 1863, which interest amounts on this day to the sum of three thousand three hundred and fifty-nine dollars, fifty-sevencents ($3,359$\frac{57}{100}$).

The Court having heard the proofs and arguments, submitted by the respective parties in this case, and their counsel, and having duly examined and considered the same, do now (all the judges present concurring) enter judgment in favor of the claimant, William Cushing, for the sum of eight thousand eight hundred and fifteen dollars, twenty cents ($8,815.$\frac{20}{100}$), the amount of the actual loss and damage by him sustained.

And the Court find that interest on the said sum is due to the claimant at the rate of four per cent. per annum, from the twenty-sixth day of December, 1863, which interest amounts on this day to the sum of four thousand and thirty-one dollars, forty-eight cents ($4,031$\frac{48}{100}$).

* * * * * * * *

The Court then adjourned to Thursday, June 3d, at 11 o'clock A. M.

Test JOHN DAVIS,
Clerk.

HEZEKIAH S. WELLS,
Presiding Judge.

TREASURY DEPARTMENT—REGISTER'S OFFICE,

Washington, D. C., October 19th, 1877.

Pursuant to Section 886 of the Revised Statutes of the United States, I, John Allison, Register of the Treasury Departm d

hereby certify that the annexed copies of Diplomatic Warrants, numbered 1180, 1181, 1182, 1183, 1184, and 1185, and the Drafts issued thereon, with the endorsements upon the same, are true copies of the originals on file in this office.

JOHN ALLISON,
Register.

S. A. J.

Be it remembered, that John Allison, Esq., who certified the annexed transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, John Sherman, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the Seal of this Department, at the City of Washington, this 19th day of October, in the year of our Lord 1877.

OFFICIAL SEAL.

JOHN SHERMAN,
Secretary of the Treasury.

McC.

Dip'omatic Engraving.

SETTLEMENT WARRANT.

No. 1180.

R.

G.C.C.

$6,528 29/100

TREASURY DEPARTMENT.

To the Treasurer of the United States, Greeting:

Pay to Lawrence W. Brown, care Paine & Grafton, Attorneys, 412 5th Street, N. W., Washington, D. C., or order to be charged to the appropriations named in the margin,

Six thousand five hundred and twenty-eight dollars and twenty-nine cents, Due on settlement, pursuant to a certificate of the First Comptroller, No. 77,984, dated the 19th day of April, 1876, recorded by the Register. For so doing this shall be your WARRANT.

APPROPRIATIONS.

Judgments of Court of Alabama Claims....	6	528	29	
Salaries Consular Services.....				
Contingent Expenses of Consulates.....				
Relief and Protection of American Seamen...				
Contingent Expenses of Foreign Missions....				
D. E. M. K.	F.	A.	S.	
See certificate attached to Warrant No.....				

(Form No. 35.)

C. D. W.

GIVEN under my hand and the seal of the Treasury Department this 1st day of May, in the year of our Lord one thousand eight hundred and seventy-six, and of Independence the one hundredth.

SEAL.

J. T. P.

C. F. BURNAM,
Assistant Secretary.

R. & E. 1st.

Countersigned:

T. J.

WM. HEMPHILL JONES,
Actg. First Comptroller.

J. S. V. 1st.

Registered:

J. A. GRAHAM,
Assistant Register.

OFFICE OF THE TREASURER OF THE UNITED STATES.

1 Received for this Warrant the following draft:

No. 4271, on N. Y.

No. on Paine & Grafton,

No. on *Attorneys.*

Draft No. a, 4271, on Diplomatic Warrant.
No. 1180.

$ F. A. S.

D.E. M.K. J.S.V.

TREASURY OF THE UNITED STATES,
Washington, D. C., May 1st, 1876.

Pay to the order of Lawrence W. Brown, Six thousand five hundred and twenty-eight $\frac{29}{100}$ Dollars.

JNO. C. NEW,
Treasurer of the United States.

$6,528 $\frac{29}{100}$ Paid July 1st, 1876, New York. Registered May 1st, 1876.

$——

To Asst. Treas. U. S. New York.

JOHN ALLISON,
Register of the Treasury.

[Endorsed.]

No. 7.

Received payment

JOHN PARKER,
Cashier.

Pay to order of the Merchants' National Bank, Newburyport.

LAWRENCE W. BROWN.

Pay C. J. Sprague, Cash., or order.

A. W. GREENLEAF,
Cashier.

MERCHANTS' NAT. BANK,
Newburyport,

Pay Phenix Natl. Bank, N- Y- or order for acc't, of Globe Natl. Bank, Boston, Chas. J. Sprague, Cashier.

C. J. SPRAGUE,
Cas.

JNO. PARKER,
Cas.

Diplomatic Engraving.

SETTLEMENT WARRANT.

No. 1181.

G.C.

$3,046 04/100

TREASURY DEPARTMENT.

To the Treasurer of the United States, Greeting:

Pay to Isaac N. Colby, care Paine & Grafton, Attorneys, 412 5th Street, N. W., Washington, D. C., or order, to be charged to the appropriations named in the margin,

Three thousand and forty-six dollars and four cents,

Due on settlement, pursuant to a certificate of the First Comptroller, No. 77,985, dated the 19th day of April, 1876, recorded by the Register. For so doing this shall be your WARRANT.

APPROPRIATIONS.

Salaries Consular Service.....	
Contingent Expenses of Consulates.....	
Relief and Protection of American Seamen...	
Contingent Expenses of Foreign Missions....	
Judgments of Court of Alabama Claims.....	3 046 04
Power attached.	
D. E. M. K.	A. S.
See certificate attached to Warrant No.....	

Form No. 35.)
C. D. W.

GIVEN under my hand and the seal of the Treasury Department this 1st day of May, in the year of our Lord one thousand eight hundred and seventy-six, and of Independence the one hundredth.

SEAL.

J. T. P.

C. F. BURNAM,
Assistant Secretary.

R. & E. 1st.
Countersigned:

T. J.
WM. HEMPHILL JONES,
Acting First Comptroller.

J. S. V. 1st.
Registered:
J. A. GRAHAM,
Assistant Register.

OFFICE OF THE
TREASURER OF THE UNITED STATES.

1 Received for this Warrant the following draft:
No. 4272, on N. Y.
No. on Paine & Grafton,
No. on *Attorneys,*

Draft No. a, 4272, on Diplomatic Warrant.
No. 1181.

$ F. A. S.

D.E. M.K. J.S.V.

TREASURY OF THE UNITED STATES,
Washington, D. C., May 1st, 1876.

Pay to the order of Isaac N. Colby, three thousand and forty-six $\frac{04}{100}$ Dollars.

JNO. C. NEW,
Treasurer of the United States.

$3,046 $\frac{04}{100}$ Paid May 22d, 1876. New York. Registered May 1st, 1876.

$——

To Asst. Treas. U. S. New York.

JOHN ALLISON,
Register of the Treasury.

[Endorsed.]

Pay to the order of the Merchants' Natl. Bank, Newburyport.
ISAAC N, COLBY,
By JOHN N. CUSHING,
Attorney.

Pay C. J. Sprague, Esq., Cash., or order Merchants' Natl. Bank, Newburyport.
By A. W. GREENLEAF,
Cashier.

Pay Phenix Natl. Bank, N- Y- or order for acc't of Globe Natl. Bank, Boston, Chas. J Sprague, Cashier.
C. J. SPRAGUE,
Cash.
JNO. PARKER,
Cash.

No. 7.

Received payment
JOHN PARKER,
Cashier.

Power of Attorney herewith.
L. MANN.

Diplomatic Engraving.

SETTLEMENT WARRANT.

No. 1182.

G. C. C.

$13,168$\frac{93}{100}$

TREASURY DEPARTMENT.

To the Treasurer of the United States, Greeting:

Pay to John N. Cushing, care Paine & Grafton, Attorneys, 412 5th Street, N.W., Washington, D. C., or order, to be charged to the appropriations named in the margin,

Thirteen thousand one hundred and sixty-eight dollars & ninety-three cents Due on settlement, pursuant to a certificate of the First Comptroller, No. 77,986, dated the 19th day of April, 1876, recorded by the Register.

For so doing this shall be your WARRANT.

SEAL.

GIVEN under my hand and the seal of the Treasury Department this 1st day of May, in the year of our Lord one thousand eight hundred and seventy-six, and of Independence the one hundredth.

J. T. P.

C. F. BURNAM,
Assistant Secretary.

R & E. 1st.

Countersigned:

T. J.

WM. HEMPHILL JONES,
Actg. First Comptroller.

J. S. V. 1st.

Registered:

J. A. GRAHAM,
Assistant Register.

OFFICE OF THE
TREASURER OF THE UNITED STATES.

1 Received for this Warrant the following draft:

No. 4273, on N. Y.

No. on Paine & Grafton,

No. on *Attorneys.*

APPROPRIATIONS.

Salaries Consular Service			
Contingent Expenses of Consulates			
Relief and Protection of American Seamen			
Contingent Expenses of Foreign Missions			
Judgments, Court of Alabama Claims	13	168	93
D. E. J. S. C.		A.	S.
See certificate attached to Warrant No.			

(Form No. 35.)

C. D. W.

Draft No. a, 4273, on Diplomatic Warrant.

No. 1182.

$ F. A. S.

D.E. J.F. C. J.S.V.

TREASURY OF THE UNITED STATES.
Washington, D. C., May 1st, 1876.

Pay to the order of John N. Cushing, Thirteen thousand one hundred and sixty-eight $\frac{93}{100}$ dollars.

JNO. C. NEW,
Treasurer of the United States.

$13,168$\frac{93}{100}$ Paid May 6th, 1876. New York. Registered May 1st, 1876.

$

To Asst. Treas. U. S. New York.

JOHN ALLISON,
Register of the Treasury.

[Endorsed.]

No. 7.

Received payment

JOHN PARKER,
Cashier.

Pay the Merchants' Natl. Bank, of Newburyport, or its order.

JOHN N. CUSHING.

Pay C. J. Sprague, Cashr., or his order, Merchants' Natl. Bank, of Newburyport.

By NATH'L HILLS,
Prest.

Pay Phenix Natl. Bank, N- Y- or order for acc't of Globe Natl. Bank, Boston, Chas. J. Sprague, Cashier.

C. J. SPRAGUE.
Cash.
JNO. PARKER,
Cash.

Diplomatic Engraving.

SETTLEMENT WARRANT.

No. 1183.

R.

$13,168$\frac{93}{100}$

TREASURY DEPARTMENT.

To the Treasurer of the United States, Greeting:

Pay to William Cushing, care Paine & Grafton, Attorneys, No. 412 5th Street, N. W., Washington, D. C., or order, to be charged to the appropriations named in the margin,

Thirteen thousand one hundred and sixty-eight dollars & ninety-three cents Due on settlement, pursuant to a certificate of the First Comptroller, No. 77,987, dated the 19th day of April, 1876, recorded by the Register. For so doing this shall be your WARRANT.

APPROPRIATIONS.

Judgments of Court of Alabama Claims....	13	168	93
Salaries Consular Service.....			
Contingent Expenses of Consulates.....			
Relief and Protection of American Seamen...			
Contingent Expenses of Foreign Missions....			
D. E. J. S. C.	F.	A.	J.
See certificate attached to Warrant No.....			

(Form No. 35.)

GIVEN under my hand and the seal of the Treasury Department this 1st day of May, in the year of our Lord one thousand eight hundred and seventy-six, and of Independence the one hundredth.

SEAL.

J. T. P.

C. F. BURNAM,
Assistant Secretary.

R. & E. 1st.
Countersigned:

T. J.
WM. HEMPHILL JONES,
Actg. First Comptroller.

J. S. V. 1st.
Registered:

J. A. GRAHAM,
Assistant Register.

OFFICE OF THE
TREASURER OF THE UNITED STATES.

Received for this Warrant the following draft:
No. 4274, on N. Y.
No. on Paine & Gratton,
No. on *Attorneys.*

Draft No. a, 4274, on Diplomatic Warrant.

No. 1183.

$ F. A. S.

D.E. J.S.C.

TREASURY OF THE UNITED STATES,
Washington, D. C., May 1st, 1876.

Pay to order of William Cushing, Thirteen thousand one hundred and sixty-eight $\frac{93}{100}$ dollars.

JNO. C. NEW,
Treasurer of the United States.

$13,168 $\frac{93}{100}$ Paid New York, May 6th, 1876. Registered May 1st, 1876.

$——

To Asst. Treas. U. S.
New York.

JOHN ALLISON.
Register of the Treasury.

[Endorsed.]

Pay the Merchants' Natl. Bank, of of Newburyport, or its order.
WILLIAM CUSHING.

By ELLEN M. CUSHING, Administratrix of the estate of William Cushing, deceased.

Pay C. J. Sprague, Cashr., or his order, Merchants' Natl. Bank, of Newburyport.

By NATH'L HILLS,
Prest.

Pay Phenix Natl. Bank, N- Y- or order for acc't of Globe Natl. Bank, Boston, Chas J. Sprague, Cashier.

CHAS. J. SPRAGUE,
Cashier.

JNO. PARKER,
Cashier.

Diplomatic Engraving.

SETTLEMENT WARRANT.

No. 1184.

$1,646 11/100

TREASURY DEPARTMENT.

To the Treasurer of the United States, Greeting:

Pay to Elizabeth H. Pritchard, Executrix, care Paine & Grafton, Attorneys, No. 412 5th Street, N. W., Washington, D. C., or order, to be charged to the appropriations named in the margin,

One thousand six hundred and forty-six dollars and eleven cents, due William Pritchard, deceased,

On settlement, pursuant to a certificate of the First Comptroller, No. 77,988, dated the 19th day of April, 1876, recorded by the Register. For so doing this shall be your WARRANT.

APPROPRIATIONS.

Judgments of Court of Alabama Claims....	1	646	11
Salaries Consular Service.....			
Contingent Expenses of Consulates.....			
Relief and Protection of American Seamen...			
Contingent Expenses of Foreign Missions....			
D. E. J. S. C. J. H. V.	F.	A.	J.
See certificate attached to Warrant No			

(Form No. 35.)

GIVEN under my hand and the seal of the Treasury Department this 1st day of May, in the year of our Lord one thousand eight hundred and seventy-six, and of Independence the one hundredth.

SEAL.

J. T. P.

C. F. BURNAM,
Assistant Secretary.

R. & E. 1st.

Countersigned:

WM. HEMPHILL JONES,
Actg. First Comptroller.

J. S. V. 1st.

Registered:

J. A. GRAHAM,
Assistant Register.

OFFICE OF THE
TREASURER OF THE UNITED STATES.

Received for this Warrant the following draft:

No. 4275, on N. Y.

No. on Paine & Grafton

No. on *Attorneys.*

Draft No. a 4275, on Diplomatic Warrant

No. 1184.

$ F. A. S.

D.E. J.S.C. J.H.V.

TREASURY OF THE UNITED STATES,

Washington, D. C., May 1st, 1876.

Pay to the order of Elizabeth H. Pritchard, Executrix, one thousand six hundred and forty-six $\frac{11}{100}$ dollars.

JNO. C. NEW,
Treasurer of the United States.

$1,646.$\frac{11}{100}$

Paid New York, May 6th, 1876.

Registered May 1st, 1876.

$———

To Asst. Treas. U. S. New York.

JOHN ALLISON,
Register of the Treasury.

[Endorsed.]

Received payment,

No. 7.

JOHN PARKER,
Cashier.

Pay the Merchants' Natl. Bank, of Newburyport, or order.

ELIZABETH H. PRITCHARD,
Executrix.

Pay C. J. Sprague, Cashr., or his order, Merchants' Natl. Bank, of Newburyport.

By NATH'L HILLS,
Prest.

Pay Phenix Natl. Bank, N– Y– or order for acc't of Globe Natl. Bank, Boston, Chas. J. Sprague, Cashier.

CHAS. J. SPRAGUE,
Cashier.

JNO. PARKER,
Cashier.

Diplomatic Engraving.

SETTLEMENT WARRANT.

No. 1185.

$10,974 11/100

TREASURY DEPARTMENT.

To the Treasurer of the United States, Greeting:

Pay to John N. Cushing and William Cushing, trustees, etc., care Paine & Grafton, Attorneys, No. 412 5th Street, N. W., Washington, D. C., or order, to be charged to the appropriations named in the margin,

Ten thousand nine hundred and seventy-four dollars and eleven cents, Due on settlement, pursuant to a certificate of the First Comptroller, No. 77,989, dated the 19th day of April, 1876, recorded by the Register. For so doing this shall be your WARRANT.

GIVEN under my hand and the seal of the Treasury Department this 1st day of May, in the year of our Lord one thousand eight hundred and seventy-six, and of Independence the one hundredth.

SEAL.

J. T. P.

C. F. BURNAM,
Assistant Secretary.

R. & E. 1st.
Countersigned:

WM. HEMPHILL JONES,
Acty. First Comptroller.

J. S. V. 1st.
Registered:

J. A. GRAHAM,
Assistant Register.

OFFICE OF THE
TREASURER OF THE UNITED STATES.

Received for this Warrant the following draft:
No. 4276, on N. Y.
No. on Paine & Grafton.
No. on *Attorneys.*

APPROPRIATIONS.

Judgments of Court of Alabama Claims....	10	974	11	
Salaries Consular Service.....				
Contingent Expenses of Consulates....				
Relief and Protection of American Seamen...				
Contingent Expenses of Foreign Missions....				
D. E. N. W. K.	F.	A.	J.	
See certificate attached to Warrant No.....				

(Form No. 35.)

C. D. W.

Draft No. (a, 4276) on Diplomatic Warrant
No. 1185.

$ F. A. S.

D. E. A.P.G.

TREASURY OF THE UNITED STATES,

Washington, D. C., May 1st, 1876.

Pay to the order of John N. Cushing and William Cushing, trustees, &c., ten thousand nine hundred and seventy-four $\frac{11}{100}$ dollars.

JNO. C. NEW,
Treasurer of the United States.

$10,974.$\frac{11}{100}$ Paid New York, May 6th, 1876. Registered May 1st, 1876.

$———

To Asst. Treas. U. S.
New York.

JOHN ALLISON,
Register of the Treasury.

[Endorsed.]

Received payment,

No. 7.

JOHN PARKER,
Cashier.

Pay the Merchants' Natl. Bank, of Newburyport, or its order.

JOHN N. CUSHING and
WILLIAM CUSHING,
Trustees, &c.
By JOHN N. CUSHING,
Surviving Trustee.

Pay Chas. J. Sprague, Cashier, or his order, Merchants' Natl. Bank of Newburyport.

By NATH'L HILLS,
Prest.

Pay Phenix Natl. Bank, N– Y– or order for acc't of Globe Natl. Bank, Boston, Chas. J. Sprague, Cashier.

CHAS. J. SPRAGUE,
Cashier.

JNO. PARKER,
Cashier.

At a stated Term of the Circuit Court of the United States of America, for the Southern District of New York, in the Second Circuit, held at the United States Court Rooms, in the City of New York, on Wednesday, the twenty-ninth day of May, in the year o our Lord one thousand eight hundred and seventy-eight,

Present: The Honorable MORRISON R. WAITE, Chief Justice of the Supreme Court of the United States.

JOHN N. CUSHING, *et al.*, *Libellants' Appellees*, *vs.* JOHN LAIRD, THE YOUNGER. } No. 2.

The above entitled cause coming on to be heard, it is submitted to be passed upon by the Court, on the testimony presented, and the arguments made in case No. 1 between the same parties:

Curia advisari vult.

Prior to the submission of said cause as aforesaid, R. D. Benedict, of counsel for libellants' appellees, moves to dismiss the appeal in said cause, and is heard in support of said motion.

C. Van Santvoord, of counsel for John Laird, the younger, is heard in opposition thereto.

The Court reserves its decision on said motion.

Court adjourns until May 31, at 11 o'clock, A.M.

At a stated Term of the Circuit Court of the United States, for the Southern District of New York, in the Second Circuit, held at the United States Court Rooms, in the City of New York, on the twelfth day of October, in the year of our Lord one thousand eight hundred and seventy-eight.

Present: Hon. MORRISON R. WAITE, Chief Justice of the Supreme Court of the United States.

JOHN N. CUSHING and WILLIAM CUSHING, in their own right, and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thoms Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, *vs.* JOHN LAIRD, THE YOUNGER.

J. P. Giraud Foster and James Thomson, garnishees in the above entitled cause, having taken an appeal from the decree of the District Court, bearing date the 26th day of April, 1873, and another appeal

from the decree of the District Court, bearing date and entered the 19th day of September, 1873, in the same cause, which two appeals came up upon the same pleadings, proofs, proceedings and rulings, and depend upon the same questions, except the question of finality of the decree appealed from, and a separate motion having been made by the libellants to dismiss the appeal on the coming on of each appeal, to be heard at the same term of the Circuit Court of the United States, for the Southern District of New York, to be held at the United States Court Rooms, in the City of New York, in May, 1878, before the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, duly assigned to hold said Circuit Court, and the decision of said motions, after hearing the counsel for the respective parties, having been reserved until the final disposition of the cause in said Court, and the cause having been heard before said Chief Justice on each of said appeals, on the same pleadings, proofs, and proceedings, at said term,

It is now considered, ordered, adjudged, and decreed by this Court that the decree or order of April 26th, 1873, adjudging that the proceeds of the steamer Wren in the hands of the garnishees belonged to Laird, was interlocutory only: that it settled the title to the fund for the purposes of the suit, but did not adjudge that it be paid to the libellants, and that no actual appropriation of the fund was made by the said District Court until the decree of Sept. 19th, 1873, and that this last is the final decree, from which only an appeal could be taken to the Circuit Court.

It is, therefore, hereby now ordered and adjudged that the appeal of said garnishees then first in order of time in said cause taken by them from said decree of April 26th, 1873, be and the same is hereby dismissed, and that the libellants and appellees recover from the said garnishees, J. P. Giraud Foster and James Thomson, their costs on the said appeal to the Circuit Court, to be taxed, and as taxed amounting to the sum of one hundred and thirty-three dollars and sixty cents, and that said libellants have execution therefor, unless an appeal be taken from this provision of the decree after the entry thereof within the time limited by law and the rules and practice of the Court, so as to operate as a supersedeas.

And it is further ordered, adjudged and decreed that the cause be retained on the appeal of the garnishees from the decree of the District Court last made, bearing date and entered the 19th day of September, 1873. And the cause having been heard and considered on this last mentioned appeal upon the Apostles from the District Court and the pleadings and proofs, and having been argued by counsel for the respective parties, and due deliberation having been had,

It is further ordered, adjudged and decreed by the Court, that the fund known as the proceeds of the steamer Wren, in the hands of Foster & Thomson, when served with process in this action, was not the property of John Laird, Jr., the defendant in the principal suit, and that it cannot be subjected to the payment of the decree against him.

And it is further ordered, adjudged and decreed that the several warrants of attachment issued in the District Court be discharged as

against the said garnishees, and that the decree of the District Court, bearing date the 26th day of April, 1873, ordering and adjudging that said garnishees did have in their hands, at the time of the levy of said attachments, credits and effects of the said John Laird, the younger, to wit: the proceeds of the steamer Wren, amounting to the sum of thirty-one thousand four hundred and forty-one dollars and sixty-two cents, and the order of same date that Foster & Thomson, the garnishees, pay into court the sum of thirty-one thousand four hundred and forty-one dollars and sixty-two cents, the amount of moneys decided to be in their hands belonging to said respondent Laird, or give stipulation, with sufficient surety, according to the course and practice of the Court in admiralty causes, to abide the further order or decree of the Court in relation thereto, and the stipulation thereupon given by said garnishees, with Gamaliel G. Smith and Alexander A. Thomson as sureties, taken and acknowledged before a U. S. Commissioner, 5th May, 1873, and also said decree of 19th Sept., 1873, so far as it adjudges that the libellants have execution thereon to satisfy said decree against the proceeds of the steamer Wren, in the hands of the said Foster & Thomson as garnishees, as the property, credits, or effects of said John Laird, the younger, or otherwise so far as it affects said Foster & Thomson, and all orders of said District Court inconsistent with the above finding as to the ownership of the fund known as the proceeds of the steamer Wren, in the hands of said Foster & Thomson, when served with process in this action, be and the same are hereby reversed and set aside.

And it is further ordered and adjudged by the Court that said Foster & Thomson be dismissed from the proceedings herein without day, with their costs of this Court upon their appeal taken from said decree of 19th September, 1873, and their costs in the District Court so far as they relate to the proceedings under the process of garnishment to be paid by the libellants to be taxed.

And it is further ordered, adjudged and decreed that said J. P. Giraud Foster and James Thomson have judgment against said libellants for their said costs as taxed, amounting to the sum of one thousand and eighty-one $\frac{16}{100}$ dollars ($\$1{,}081\frac{16}{100}$), and that they have execution therefor against said libellants, unless an appeal be taken by said libellants within the time limited by law and the rules and practice of the Court, so as to operate as a supersedeas.

M. R. WAITE.

Endorsed, U. S. Circuit Court. John N. Cushing, *et al.*, *agst.* John Laird, the younger. Decree. Foster & Thomson, Garnishees in pro. per., Appellants. U. S. Circuit Court. Filed Jan. 28, 1879. John I. Davenport, Clerk.

JOHN N. CUSHING AND WILLIAM CUSHING, in their own right and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, Elizabeth H. Pritchard, executrix of William Pritchard, deceased,
Appellants,
vs.
JOHN LAIRD, THE YOUNGER, FOSTER & THOMSON, Garnishees,
Respondents.

To the Honorable the Supreme Court of the United States:

The appeal of John N. Cushing and William Cushing, in their own right and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, the above-named libellants and appellants, respectfully shows that on the 16th day of September, 1868, the appellants, John N. Cushing and William Cushing, filed their libel in the District Court of the United States for the Southern District of New York, against John Laird, the younger, of Birkenhead, in the kingdom of England, shipbuilder, in a cause of spoliation and damage, civil and maritime, for the recovery of damages alleged to have been sustained by them by reason of the plundering and destruction of the ship Sonora by the ship or vessel known as the Alabama, in the Straits of Malacca; that thereafter, and on the 29th of September, 1868, the said libellants, by leave of the said Court, filed an amended libel in the said cause; that thereafter and on the 17th day of May, 1869, the above-named appellants, Mary A. Johnson, as executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, were, by order of the said District Court, dated and entered on that day, joined as co-libellants in the said cause, and thereafter and on the same day, by leave of the said Court, all the said libellants filed an amended libel in said cause; that, in pursuance of the prayer of the said original and amended libels, process was issued against the said John Laird, the younger, respondent therein named, with a clause of foreign attachment against the credits and effects of the said John Laird, the younger, in the hands of Foster & Thomson, and the Assistant Treasurer of the United States, his garnishees, known as the proceeds of the steamer Wren; that said process was returned duly served, and the said garnishees, Foster & Thomson, on the 12th of April, 1870, filed their answer in said cause, denying the possession of any goods, chattels, choses in

action property, credits or effects of the said respondent, John Laird, the younger; that thereafter such proceedings were had in the cause that the said District Court held and determined that the said garnishees, Foster & Thomson, did have in their hands, at the time of the service of the process therein, credits and effects of the said John Laird, the younger, respondent therein, to wit: the proceeds of the steamer Wren, amounting to thirty-one thousand four hundred and forty-one dollars and sixty-two cents, and thereafter a decree was, on April 26, 1873, made and entered in the said cause against the said garnishees, Foster & Thomson, that they forthwith pay the sum into Court, or give stipulation with sufficient surety, according to the course and practice of the said Court in Admiralty causes, to abide the further order or decree of the Court in relation thereto.

That John Laird, the younger, the respondent in said cause, suffered default to be taken against him for want of appearance, and thereupon such further proceedings were had in said cause that, on the nineteenth day of September, 1873, a final decree was made and pronounced therein by the said District Court, wherein it was in substance adjudged that the said libellants recover of the said John Laird, the younger, the sum of one hundred and forty-three thousand seven hundred and forty-nine dollars and sixteen cents, and that they have execution therefor against his property in the hands of the said Foster & Thomson, garnishees.

That after such final decree the said garnishees, Foster & Thomson, served a notice of appeal therefrom to the Circuit Court of the United States for the Southern District of New York; that these appellants, libellants in said cause, moved the said Circuit Court to dismiss the said appeal for irregularity and for want of jurisdiction in the said Court to entertain the same; and thereafter such proceedings were had in the said Circuit Court that afterwards, and on the twelfth day of October, 1878, the said Circuit Court made a final decree in the said cause, which was entered on the 28th January, 1879, whereby it was decreed among other things that the said cause, be retained on the appeal of the garnishees from the decree of the District Court above set forth, dated September 19th, 1873; and that the fund known as the proceeds of the steamer Wren, in the hands of Foster & Thomson when served with process in the said action, was not the property of John Laird, Jr., the defendant in the principal suit, and that it cannot be subjected to the payment of the decree against him; that the several warrants of attachment issued in the District Court be discharged, as against the said garnishees, that the decree of the District Court, bearing date the 26th day of April, 1873, ordering and adjudging that said garnishees did have in their hands at the time of the levy of said attachments, credits, and effects of the said John Laird, the younger, to wit, the proceeds of the steamer Wren, amounting to the sum of thirty-one thousand four hundred and forty-one dollars and sixty-two cents, the amount of moneys decided to be in their hands belonging to said respondent Laird, or give stipulation with sufficient surety, according to the course and practice of the Court in Admiralty causes, to abide the further order or decree of the Court in relation

thereto; and the stipulation thereupon given by said garnishees with Gamaliel G. Smith and A. A. Thomson, as sureties, taken and acknowledged before a U. S. Commissioner, 5th May, 1873, and also said decree of 19th Sep., 1873, so far as it adjudges that the libellants have execution thereon to satisfy said decree against the proceeds of the steamer Wren, in the hands of said Foster & Thomson, as garnishees, as the property, credits, or effects of said John Laird, the younger, or otherwise, so far as it effects said Foster & Thomson, and all orders of said District Court, inconsistent with the said finding as to the ownership of the fund known as the proceeds of the steamer Wren, in the hands of Foster & Thomson, when served with process in said action, be and the same were thereby reversed and set aside, and that said Foster & Thomson be dismissed from the proceedings therein without day, with their costs of the said Court, upon their appeal taken from the said decree of 19th September, 1873, and their costs in the District Court so far as they related to the proceedings under the process of garnishment, to be paid by the libellants, to be taxed, and that said garnishees have judgment against the libellants for their costs as taxed, amounting to the sum of one thousand and eighty one $\frac{16}{100}$ dollars, and that they have execution therefor against said libellants, which said decree of the said Circuit Court is, as these appellants are advised, in the particulars above specified, and in so far as above set forth, erroneous and ought to be reversed.

Wherefore, these appellants appeal from so much of the said decree of the said Circuit Court as is above specified, and substantially set forth to the Supreme Court of the United States, and respectfully pray that the decree of the said Circuit Court, and the libel answer, pleadings, depositions, evidence, and proceedings in the said cause may be sent to the Supreme Court of the United States, without delay, and that the said Supreme Court will proceed to hear the said cause anew, and that so much of the said decree of the said Circuit Court as is herein above mentioned, and substantially set forth, and each and every part thereof may be reversed, and a decree made in all things according to the decree of the District Court, with costs to these appellants against the said garnishees, or such other decree as to the said Supreme Court shall seem just.

J. LANGDON WARD,
Applt's Proctor.

R. D. BENEDICT,
Advocate.

(Endorsed.)

John N. Cushing *et al. v.* John Laird the younger.—Appeal to the Supreme Court. Applt's—J. Langdon Ward, Proctor Libell'ts, U. S. Circuit Court. Filed Feb. 6th, 1879. John I. Davenport, Clerk.

Circuit Court of the United States of America—For the Southern District of New York, in the Second Circuit.

JOHN N. CUSHING and WILLIAM CUSHING, in their own right and as executors of Nicholas Johnson, deceased; Mary A. Johnson, executrix of Henry Johnson, deceased; Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, *Libellants and Appellants,*

vs.

JOHN LAIRD, THE YOUNGER.
J. P. GIRAUD FOSTER and JAMES THOMSON, *Garnishees' Appellees.*

} Bond for Costs.

Know all men by these presents: That we, George D. Lunt and John Hegeman, of the city of Brooklyn, State of New York, are held and firmly bound unto the above named J. P. Giraud Foster and James Thomson, in the sum of twenty-two hundred dollars, to be paid to the said Foster and Thomson, for the payment of which well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally firmly by these presents. Sealed with our seals, and dated the 5th day of February, in the year of our Lord one thousand eight hundred and seventy-nine.

Whereas, the above named libellants and appellants have prosecuted an appeal to the Supreme Court of the United States, to reverse the decree rendered in the above entitled suit, by the Circuit Court of the United States, for the Southern District of New York:

Now, therefore, the condition of this obligation is such, that if the above named appellants shall prosecute their appeal to effect and answer all damages and costs, if they fail to make their appeal good, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

GEO. D. LUNT. [SEAL.]
JNO. HEGEMAN. [SEAL.]

Sealed and delivered, and taken and acknowledged, this 5th day of February, 1879, before me,

WM. D. JONES,
[SEAL.] *Notary Public for Kings Co.*

Certificate filed in N. Y. Co.

United States of America, }
Southern District of New York, } ss.:

GEORGE D. LUNT and JOHN HEGEMAN, being duly sworn, each deposes and says, that he resides in the city of Brooklyn, and that he is worth the sum of fourty-four hundred dollars, over and above his just debts and liabilities.

GEO. D. LUNT,
JNO. HEGEMAN.

Sworn to this 5th day of February, }
A. D. 1879, before me, }

WM. D. JONES,
[SEAL.] *Notary Public for Kings Co.*

Certificate filed in N. Y. Co.

Bond approved Feb. 6th, 1879.

SAML. BLATCHFORD.

By the Honorable SAMUEL BLATCHFORD, Judge of the Circuit Court of the United States, for the Southern District of New York, in the Second Circuit.

To J. P. GIRAUD FOSTER and JAMES THOMSON, Garnishees:

Whereas, John N. Cushing and William Cushing, in their own right and as executors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, libellants and appellants, have lately appealed to the Supreme Court of the United States from a decree lately rendered in the Circuit Court of the United States, for the Southern District of New York, in the Second Circuit, made in favor of you, the said J. P. Giraud Foster and James Thomson, against the above-named libellants and appellants, and have filed the security required by law.

You are, therefore, hereby cited to appear before the Supreme Court, at the City of Washington, on the second Monday of October next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand, at the City of New York, in the Southern District of New York, in the Second Circuit, the sixth day of February, 1879, and in the Independence of the United States the one hundred and third.

SAML. BLATCHFORD.

(Endorsed)—U. S. Circuit Court, Southern Dist. of N. Y. John N. Cushing *et al. vs.* John Laird, the younger. Foster & Thomson, Garnishees. Citation—J. Langdon Ward, Proctor for Appellants—R. D. Benedict, Advocate, 64 Wall Street, New York—U. S. Circuit Court—Filed Feb. 7, 1879—John I. Davenport, Clerk.

U. S. Circuit Court.

JOHN N. CUSHING *et al.*
against
JOHN LAIRD, THE YOUNGER,
FOSTER & THOMSON, *Garnishees.*
} Affidavit of Service.

Southern District of New York. *ss.:*

WYLLYS BENEDICT, of the City of Brooklyn, being duly sworn, doth depose and say, that he did, on the sixth day of February, in the year one thousand eight hundred and seventy-nine, serve J. P. Giraud Foster and James Thomson, Garnishees and the Appellees in the above entitled action, with a citation of which the annexed is the original, by delivering the same to said Foster and to said Thomson, personally, at their office, No. 69 Wall Street, New York City, and leaving the same with each, and at the same time showing to each the annexed original.

WYLLYS BENEDICT.

Sworn to before me this 6th day of February, 1879.

WM. D. JONES,
[SEAL.] *Notary Public for Kings Co.*

Certificate filed in N. Y. Co.

United States of America,
Southern District of New York, } *ss.:*

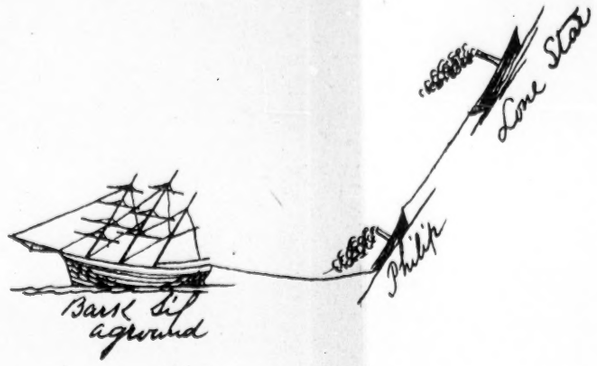
I, JOHN I. DAVENPORT, Clerk of the Circuit Court of the United States of America, for the Southern District of New York, in the Second Circuit, do hereby Certify that the foregoing pages, numbered from one to two hundred and sixty-five inclusive, contain a true and complete transcript of the record and proceedings had in said Court, in the case of John N. Cushing and William Cushing, in their own right, and as excecutors of Nicholas Johnson, deceased, Mary A. Johnson, executrix of Henry Johnson, deceased, Keturah M. Pritchard, administratrix of Thomas Pritchard, Jr., deceased, and Elizabeth H. Pritchard, executrix of William Pritchard, deceased, *against* John Laird, the younger, as the same remain of record and on file in said office.

In Testimony Whereof, I have caused the Seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, in the Second Circuit, this sixth day of June, in the year of our Lord One Thousand
[L. S.] Eight Hundred and Seventy-nine, and of the Independence of the said United States the One Hundred and Third.

JOHN I. DAVENPORT,
Clerk.

214

Black Buoy



upper Black Buoy W. side Channel



outward black Buoy W. Side

1st Position P. No. 1.

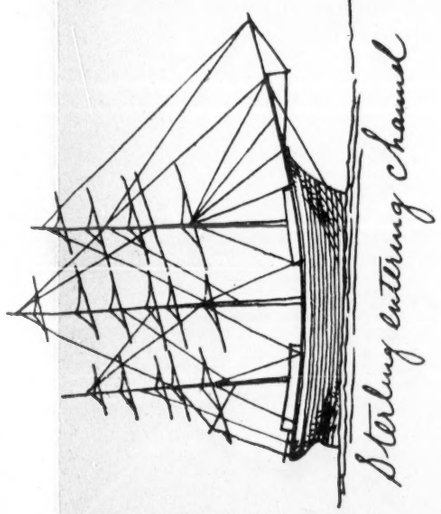
6 foot lump Buoy

East Buoy

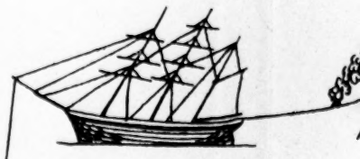
outward E. Buoy

outer Sea buoy





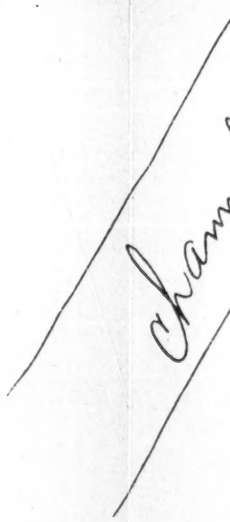
Black Buoy



upper black buoy W.S. Channel

outward black buoy W. Side

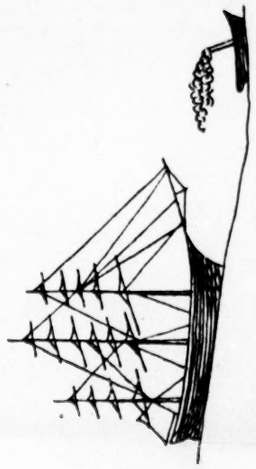
2d Position P. No. 2



215

216
Black Buoy





6 foot lump Buoy

East Buoy

outward E. Buoy

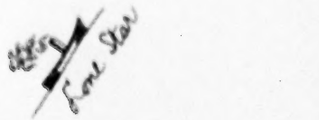
Outer Sea Buoy

Channel

upper black buoy W. side channel

Outward black buoy W Side

3d Position
P. No 3



Fowl Star

Philip

6 quarter after cutting

Si just before collision

6 foot lump Buoy

Starboard just clear of collision

East Buoy

Outward E. Buoy

Outward Sea buoy

Channel

GRAND TRUNK RAILWAY.—No. 2.

TRAINS EASTWARD.

STATIONS.	2ND CLASS. No. 27. Freight.	No. 25. Freight.	No. 23. Freight.	No. 21. Freight.	No. 19. Freight.	No. 17. Freight.	No. 15. Freight.	No. 13. Freight.	No. 11. Freight.	No. 9. Freight.	1ST CLASS. No. 7. Express.	No. 5. Express.	No. 3. Express.	No. 1. Passenger.	Miles from Montreal.	STATIONS.
Montreal Dep.												10.00 p. m.	4.00 p. m.	9.00 a. m.		Dp. **Montreal**
Point St. Charles		9.10 p. m.	6.15 p. m.	4.30 p. m.	2.15 p. m.		11.00 a. m.		5.15 a. m.	4.30 a. m.		10.12	4.12	9.12	4	Pt. St. Charles
St. Lambert		9.25	6.30	4.45	2.30		11.15		5.35	**4.50**		10.20	4.20	9.20	6½	St. Lambert
St. Hubert		9.40	6.45	5.02	2.45		11.32		6.10	**5.25**			**4.30**	**9.28**	10	St. Hubert
St. Bruno		10.10	7.15	5.28	3.08		11.58		**7.00**	5.50			4.42	**9.40**	15	St. Bruno
Belœil		10.42	7.45	6.00	3.37		12.30 p. m.		7.43	6.17		11.00	4.58	9.57	21	Belœil
St. Hilaire		{a10.50 d11.10	7.55	6.05	3.43		12.37		**7.50**	**6.25**		**11.05**	5.02	**10.00**	22¼	St. Hilaire
Soixante		{a11.50 d12.20 a. m.	8.30	6.38	4.12		1.10		**8.30**	**7.00**		**11.20**	5.18	10.17	28½	Soixante
St. Hyacinthe		1.00	**9.07**	**7.17**	4.47		1.47		**9.20**	**7.45**		**11.45**	5.38	10.35	35½	St. Hyacinthe
St. Rosalie		1.10	9.22	7.28	4.57		2.00						5.44	‡10.40	37½	St. Rosalie
Britannia Mills		**1.35**	**9.50**	7.55	5.20		2.25		10.00	8.20		‡12.05 a. m.	5.58	10.55	42½	Britannia Mills
St. Liboire		1.50		8.10	5.32		2.37		10.15	8.30			6.04	‡11.02	44¼	St. Liboire
Upton		2.10	**10.25**	**8.35**	5.47		2.55		10.35	**8.46**		**12.20**	6.13	11.10	48	Upton
Acton		**2.55**	**11.10**	**9.10**	{a6.20 d6.40		3.27		{a11.15 d11.35	9.25		12.40	**6.30**	**11.27**	54¼	Acton
Danby		**3.35**	11.50	9.52	**7.25**		4.08		12.12 p. m.	10.15			6.50	11.47	62	Danby
Durham		4.00	12.15 a. m.	**10.15**	**7.45**		4.30		12.25	10.40		**1.15**	**7.00**	11.58	66½	Durham
Lisgar		4.10	**12.30**	10.30	7.58		**4.45**		12.50	10.57			**7.10**	12.07 p. m.	69	Lisgar
Richmond	**7.00** p. m.	{a4.50 d5.30	a1.10 d2.25	a11.10 d11.40	a8.30 d9.00		{a5.25 d6.00		{a1.30 d2.00	a11.45 d12.15 p. m.		{a1.45 d2.15	a7.30 d7.45	a12.30 d1.00	76¼	**Richmond**
Windsor	{a8.00 d8.20	6.40	**3.40**	12.40 a. m.	**10.00**		6.55		2.45	1.03		2.40	**8.10**	1.32	86½	Windsor
Brompton	**9.20**	7.17	4.20	1.22	**11.00**		7.40		**3.25**	{a1.45 d2.05		**3.00**	8.32	**1.57**	94½	Brompton
Sherbrooke	10.00	7.47	4.55	**1.55**	11.30		**8.15**		**3.55**	**2.50**		3.22	**8.50**	**2.20**	101	Sherbrooke
Lennoxville	**10.15**	8.00	5.10	2.10	**11.46**		8.30		**4.10**	**3.20**		3.30	9.00	2.30	104	Lennoxville
Waterville	10.55	**8.37**	**5.48**	2.45	12.20 a. m.		{a9.10 d9.30		**4.45**	**3.55**			**9.20**	**2.50**	111	Waterville
Compton	**11.15**	8.55	6.05	3.03	**12.35**		9.45		5.05	**4.15**		‡4.05	9.30	3.02	114½	Compton
Coaticooke	{a11.58 d1.00 a. m.	a9.45 d10.45	a6.45 d7.30	a3.45 d5.22	a1.15 d2.15		{a10.30 d11.30		{a5.45 d6.30	a4.55 d5.30		**4.30**	9.52	**3.27**	122½	Coaticooke
Norton Mills	1.43	**11.30**	8.15	**6.20**	3.15		12.12 a. m.		**7.15**	6.15		**5.00**	**10.20**	4.00	132	Norton Mills
Lake	2.07	11.52	**8.38**	6.40	3.50		12.40		7.38	**6.40**		‡5.20	10.33	**4.20**	137	Lake
Summit	2.28	12.12 p. m.	**9.00**	6.57	**4.25**		1.00		8.00	7.00		**5.35**			141½	Summit
Island Pond	{a3.00 a. m. d3.30 p. m.	a12.45 p. m. d2.15 p. m.	a9.30 a. m. d12.02 p. m.	a7.25 a. m. d9.30 a. m.	a5.00 a. m. d6.00 a. m.		{a1.30 a. m. d4.45 a. m.		{a8.30 p. m. d11.00 p. m.	a7.30 p. m. d9.00 p. m.		{a8.00 a. m. d7.00 a. m.	a11.00 p. m. d12.30 a. m.	5.00 p. m.	148	**Island Pond**
Wenlock	**4.15**	**2.50**	12.40	10.05	**6.45**		**5.15**		11.33	9.30		**7.25**	**12.53**		155¼	Wenlock
North Stratford	**5.10**	**3.40**	**1.20**	**10.45**	{a7.30 d7.55		**6.00**		**12.10** a. m.	10 05		**7.45**	‡1.17		162¾	North Stratford
Beatties	5.30		1.40	11.03	8.25		6.30								166½	Beatties
Stratford Hollow	5.55	**4.25**	2.10	11.25	9.00		**7.10**		12.52	10.40		8.13	‡1.40		170¾	Stratford Hollow
Groveton Junction												8.28			174⅞	Groveton Junct.
Groveton	6.22	4.50	**2.40**	**11.45**	**9.35**		7.30		1.17	**11.00**		8.30	1.55		175½	Groveton
Stark	6.55	5.20	3.03	12.15 p. m.	10.20		8.00		1.47	11.40		8.47	‡2.12		180¾	Stark
Stark, W. S.	**7.10**	5.32	**3.15**	**12.25**	**10.35**		**8.10**		{a2.00 d2.30	11.55		**8.55**	‡2.17		183	Stark, W. S.
West Milan	8.00	6.02	3.45	12.50	11.12		8.38		2.55	12.30 a. m.		9.12	‡2.35		188	West Milan
Milan	**9.00**	**6.36**	4.25	{a1.20 d2.05	**11.55**		{a9.15 d9.40		**3.25**	**1.15**		**9.30**	**2.50**		193¾	Milan
Berlin Falls	9.35	7.03	5.00	2.35	{a12.40 p. m. d1.30	11.40 a. m.	**10.05**		4.00	**1.45**		9.50	3.10		199½	Berlin Falls
Gorham	{a10.15 d10.30	a7.35 d8.00	a5.45 d6.35	a3.05 d4.10	2.00	a12.15 p. m. d12.52	a10.35 d11.20		**6.00** a. m.	{a1.30 d4.45	a2.15	10.12	{a3.30 d4.00		205¼	**Gorham**
Shelburne	**11.07**	8.32	7.03	4.35	2.30	1.20	{a11.45 d12.15 p. m.		**6.28**	5.10	3.00	10.30	**4.15**		211½	Shelburne
Gilead	**11.45**	**9.15**	7.32	{a5.05 d5.25	**3.00**	1.48	12.45		**7.10**	**5.40**	**3.30**	**10.50**	‡4.32		217¼	Gilead
West Bethel	12.20 a. m.	**10.10**	8.02	6.10	**3.50**	**2.20**	1.17		7.34	6.10	4.00	**11.05**	**4.47**		223¼	West Bethel
Bethel	12.42	**10.55**	**8.25**	6.37	4.12	2.37	**1.45**		7.50	**6.30**	**4.20**	11.17	5.00		227¼	Bethel
Locke's Mills	1.10	11.20	8.48	7.12	**4.40**	**3.00**	2.12		8.10	6.53	4.47	11.30	‡5.12		232	Locke's Mills
Bryant's Pond	**1.30**	11.40	**9.05**	**7.38**	5.00	3.25	**2.35**		**8.25**	7.10	{a5.10 d5.30	11.40	**5.20**		235½	Bryant's Pond
West Paris	**2.15**	**12.15** a. m.	**9.40**	**8.20**	5.33	**4.12**	3.03		{a9.05 d9.45	**7.40**	6.05	**11.55**	5.38		241¾	West Paris
South Paris	**3.15**	**1.05**	10.25	**8.50**	**6.22**	5.05	**3.45**		{a10.30 d11.10	**8.15**	**6.55**	12.15 p. m.	6.00		250	South Paris
Oxford	4.00	1.40	**11.00**	9.23	6.52	**5.47**	4.15		{a11.45 d12.15 p. m.	**9.05**	**7.25**	**12.30**	**6.15**		256½	Oxford
Mechanic Falls	4.45	**2.05**	**11.25**	9.45	**7.15**	6.20	4.38		{a12.30	9.25	7.47	**12.40**	6.30		261	Mechanic Falls
Empire Road	**5.30**	2.30	11.53	**10.05**	**7.50**	**7.00**	**5.00**		1.25	**9.50**	8.05	12.50	**6.40**		265¼	Empire road
Lewiston																Lewiston
Auburn											4.15 p. m.	1.00 p. m.		7.25 a. m.		Auburn
Lewiston Junction											4.17	1.02		7.27		Lewiston Junct.
												1.15				
Lewiston Junction	5.45	2 40	12.05 a. m.	10.20	**8.00**	**7.15**	5.12		**1.40**	10.00	8.17	4.30	**12.55**	‡6.46	7.40	267⅓ Lewiston Junct.
Hotel Road																268⅓ Hotel Road
Danville Junction	{a6.00 d6.15	2.53	12.18	**10.30**	8.10	**7.30**	5.25		1.55	10.15	**8.30**	**4.35**	{a1.00 d1.20	a6.55 d7.10	7.45	269¾ Danville Junct.
New Gloucester	**6.45**	3.20	**12.45**	10.52	8.30	7.53	**5.55**		**2.30**	{a10.45 d11.00	8.53		1.32	7.27		274¾ New Gloucester
Pownal	7.02	3.42	1.05	11.10	**8.50**	8.12	**6.30**		2.55	11.20	9.15		1.41	**7.43**	**8.05**	278¾ Pownal
North Yarmouth	7.18	**4.00**	1.20	11.23	**9.05**	**8.25**	**6.47**		3.12	11.40	9.30	**5.05**	1.50	**7.55**		282 North Yarmouth
Yarmouth Junction	7.33	4.35	1.35	11.35	9.20	8.40	7.00		3.28	11.54	9.45	5.14	1.57	8.03	8.21	285 Yarmouth Junc
Yarmouth	**7.40**	**4.50**	1.40	**11.40**	9.25	**8.45**	7.05		**3.35**	11.58	9.52	5.17	**2.00**	8.06	8.24	286 Yarmouth
Cumberland	7.48	5.00	1.50	11.55	9.35	8.58	7.15		3.45	12.12 p. m.	**10.05**	5.22	2.08	8.13		288½ Cumberland
Falmouth	8.05	**5.15**	2.05	12.13 a. m.	9.52	9.12	{a7.30 d7.45		**4.05**	12.30	10.20	5.30	2.17	8.23	8.38	291¾ Falmouth
Portland Arr.	8.30 a. m.	5.45 a. m.	2.30 a. m.	12.45 a. m.	10.15 p. m.	9.40 p. m.	8.15 p. m.		4.30 p. m.	1.00 p. m.	10.45 a. m.	5.45 p. m.	2.35 p. m.	8.40 a. m.	8.50 a. m.	297¼ Ar. **Portland**

All "up" trains, failing to arrive at Island Pond on time, must keep clear of trains of a like or superior class that may be due to leave.
All "down" trains, failing to arrive at Island Pond on time, must keep clear of trains of a like or superior class that may be due to leave.
All "down" trains, failing to arrive at Portland on time, must keep clear of trains of a like or superior class that may be due to leave.
All "up" trains, failing to arrive at Point St. Charles on time, must keep clear of trains of a like or superior class that may be due to leave.
* Do not stop for passengers. (See special rule No. 29.) ‡ Flag stations. (Trains stop when signalled.)

2.—TIME-CARD, SEPTEMBER, 1874.

TRAINS WESTWARD.

STATIONS.	Miles from Portland.	1st class. No. 2. Passenger.	1st class. No. 4. Express.	1st class. No. 6. Express.	2nd class. No. 10. Freight.	2nd class. No. 12. Freight.	2nd class. No. 14. Freight.	2nd class. No. 16. Freight.	2nd class. No. 18. Freight.	2nd class. No. 20. Freight.	2nd class. No. 22. Freight.	2nd class. No. 24. Freight.	2nd class. No. 26. Freight.	2nd class. No. 28. Freight.
Montreal Arr.														
Pt. St. Charles.														
St. Lambert.														
St. Hubert.														
St. Bruno.														
Beloeil.														
St. Hilaire.														
Soiante.														
St. Hyacinthe.														
St. Rosalie.														
Britannia Mills.														
St. Liboire.														
Upton.														
Acton.														
Danby.														
Durham.														
Lingar.														
Richmond.														
Windsor.														
Brompton.														
Sherbrooke.														
Lennoxville.														
Waterville.														
Compton.														
Coaticooke.														
Norton Mills.														
Lake.														
Summit.														
Island Pond.														
Woodstock.														
North Stratford.														
Beattice.														
Stratford Hollow.														
Groveton Junction.														
Groveton.														
Stark.														
Stark, W. S.														
West Milan.														
Milan.														
Berlin Falls.														
Gorham.														
Shelburne.														
Gilead.														
West Bethel.														
Bethel.														
Locke's Mills.														
Bryant's Pond.														
West Paris.														
South Paris.														
Oxford.														
Mechanic Falls.														
Empire Road.														
Lewiston.														
Auburn.														
Lewiston Junction.														
Lewiston Junction.	29½	1.30	8.35	2.50	7.00		11.20	4.50	6.37	7.40	9.55	10.45	1.30	5.15	6.25
Hotel Road.	28½														
Danville Junction.	27½	11.22	8.30	2.40	4.53	d9.20 / a7.10	11.10	4.35	6.25	7.30	9.45	10.30	1.15	5.05	6.15
New Gloucester.	22½	11.00	8.17	2.30		6.45	10.45	4.18	5.55	7.15	9.15	10.00	12.45	4.40	5.50
Pownal.	18½		8.05	2.20	6.30	6.23	10.28	4.03	5.30	7.00	8.50	9.30	12.25	4.17	5.28
North Yarmouth.	15½	10.32	7.55	2.10		6.05	10.12	3.50	5.05	6.47	8.25	9.05	12.05 a. m.	4.00	5.19
Yarmouth Junction.	12½	10.20	7.43	2.03	6.15	5.50	9.57	3.38	4.45	6.36	8.10	8.50	11.45	3.45	4.55
Yarmouth.	11½	10.16	7.40	2.00	6.12	5.45	9.52	3.35	4.40	6.35	8.05	8.45	11.40	3.40	4.50
Cumberland.	8¾	10.05	7.32	1.52		5.34	9.42	3.25	4.25	6.25	7.50	8.20	11.30	3.30	4.38
Falmouth.	5½		7.20	1.40		5.15	9.25	3.12	4.05	6.15	7.36	7.45	11.10	3.10	4.20
Portland Dep.		9.30 a. m.	7.00 a. m.	1.20 p. m.	3.45 p. m.	4.30 a. m.	9.00 a. m.	2.50 p. m.	3.30 p. m.	5.55 p. m.	7.05 p. m.	7.15 p. m.	10.45 p. m.	2.45 a. m.	3.50 a. m.

STATIONS.	Miles from Portland.	1st class. No. 1. Passenger.	1st class. No. 3. Express.	1st class. No. 5. Express.	2nd class. No. 9. Freight.	2nd class. No. 11. Freight.	2nd class. No. 13. Freight.	2nd class. No. 15. Freight.	2nd class. No. 17. Freight.	2nd class. No. 19. Freight.	2nd class. No. 21. Freight.	2nd class. No. 23. Freight.	2nd class. No. 25. Freight.	2nd class. No. 27. Freight.
Portland Dep.		8.00 a. m.	1.00 p. m.	5.00 p. m.		8.00 a. m.	10.00 a. m.	1.00 p. m.	3.00 p. m.	5.00 p. m.	7.00 p. m.	8.00 p. m.	10.00 p. m.	12.00 p. m.
Deering.	3½	8.05	1.05	5.05		8.05	10.05	1.05	3.05	5.05	7.05	8.05	10.05	12.05
Woodfords.	4½	8.08	1.08	5.08		8.08	10.08	1.08	3.08	5.08	7.08	8.08	10.08	12.08
Cumberland Mills.	6½	8.13	1.13	5.13		8.13	10.13	1.13	3.13	5.13	7.13	8.13	10.13	12.13
Westbrook.	7½	8.15	1.15	5.15		8.15	10.15	1.15	3.15	5.15	7.15	8.15	10.15	12.15
Saccarappa.	8½	8.18	1.18	5.18		8.18	10.18	1.18	3.18	5.18	7.18	8.18	10.18	12.18
Gorham.	11½	8.30	1.30	5.30		8.30	10.30	1.30	3.30	5.30	7.30	8.30	10.30	12.30
Windham.	13½	8.38	1.38	5.38		8.38	10.38	1.38	3.38	5.38	7.38	8.38	10.38	12.38
Pleasant Hill.	15½	8.45	1.45	5.45		8.45	10.45	1.45	3.45	5.45	7.45	8.45	10.45	12.45
Gray.	18½	8.55	1.55	5.55		8.55	10.55	1.55	3.55	5.55	7.55	8.55	10.55	12.55
New Gloucester.	22½	9.10	2.10	6.10		9.10	11.10	2.10	4.10	6.10	8.10	9.10	11.10	1.10
Danville Junction.	27½	9.20	2.20	6.20		9.20	11.20	2.20	4.20	6.20	8.20	9.20	11.20	1.20
Hotel Road.	28½													
Lewiston Junction.	29½	9.30	2.30	6.30		9.30	11.30	2.30	4.30	6.30	8.30	9.30	11.30	1.30
Auburn.														
Lewiston.														
Empire Road.		9.45	2.45	6.45		9.45	11.45	2.45	4.45	6.45	8.45	9.45	11.45	1.45
Mechanic Falls.	32	9.50	2.50	6.50		9.50	11.50	2.50	4.50	6.50	8.50	9.50	11.50	1.50
Oxford.	36½	10.12	3.12	7.12		10.12	12.12 p. m.	3.12	5.12	7.12	9.12	10.12	12.12 a. m.	2.12
South Paris.	40½	10.35	3.25	7.25		10.35	12.25 p. m.	3.25	5.25	7.25	9.25	10.25	12.25 a. m.	2.25
West Paris.	47¼	11.10	3.45	7.45		11.10	1.10	3.45	5.45	7.45	9.45	10.45	12.45 a. m.	2.45
Bryant's Pond.	55½	11.55	4.12	8.12		11.55	1.55	4.12	6.12	8.12	10.12	11.12	1.12 a. m.	3.12
Locke's Mills.	61¾	12.40 p. m.	4.30	8.30		12.40 p. m.	2.40	4.30	6.30	8.30	10.30	11.30	1.30 a. m.	3.30
Bethel.	65¼	1.05	4.40	8.40		1.05	3.05	4.40	6.40	8.40	10.40	11.40	1.40 a. m.	3.40
West Bethel.	70	10.23	4.56			3.27	8.25	9.50	10.55	2.22	4.20	6.50	9.20	10.40
Gilead.	74	10.35	5.08			3.50	8.45	10.10	11.15	2.58	4.47	6.40	9.45	11.05
Shelburne.	80	10.50	5.25			d5.35 / a5.05	9.15	10.40	11.45	3.30	5.40	7.10	d11.00 / a10.20	11.40
Gorham.	86¾	11.05	5.42		3.35	6.05	9.45	11.07	12.17 a. m.	4.15	6.28	7.45	11.45	12.15 p. m.
Berlin Falls.	91½	11.20	6.00		4.10 p. m.	d7.45 / a6.35	d12.05 a. m. / a10.15	d1.00 a. m. / a11.50	d4.30 / a12.45	d5.45 / a4.45	7.00	d8.50 / a8.20	12.15 p. m.	12.52
Milan.	97¾	11.40	6.20			8.25	12.42	1.45	5.00	6.25	7.30 a. m.	9.00	12.50	1.30
West Milan.	103½	11.55	6.36			9.00	1.15	d3.25 / a2.50	5.25	7.00		9.30	1.20	2.05
Stark, W. S.	109¼	12.12 p. m.	6.55			9.40	1.48	4.00	5.52	7.40		10.07	1.45	2.45
Stark.	114¼	12.25	7.10			10.10	2.17	4.23	6.15	d8.55 / a8.10		10.35	2.05	3.15
Groveton.	116½	12.32	7.16			10.25	2.30	4.33	6.25	9.07		10.55	2.15	3.27
Groveton Junction.	122	12.47	7.33			11.00	3.05	5.00	6.50	9.35		11.45	2.40	4.00
Stratford Hollow.	122⅝	12.49	7.35											
Beattice.	123½	1.00	7.47			11.25	3.33	5.22	7.10	10.02		12.15 p. m.	3.02	4.25
North Stratford.	126½	1.00	7.47				4.00	5.43	7.30	10.27		12.43	3.22	4.50
Woodstock.	131	1.10	8.00											
Island Pond.	134½	1.20	8.12			12.10 a. m.	4.23	6.00	7.45	10.45		d1.30 / a1.05	3.40	5.10
Island Pond.	142		1.40	8.35		12.53	5.15	d7.25 / a6.45	8.30	11.25		2.50	4.15	5.50
Summit.	149½	4.00 a. m.	d2.15 p. m. / a2.00 p. m.	d9.45 p. m. / a9.00 p. m.	5.00 a. m.	d7.25 a. m. / a1.30 a. m.	d8.30 a. m. / a5.45 a. m.	d10.00 a. m. / a8.00 a. m.	d1.00 p. m. / a9.05 a. m.	d3.20 p. m. / a11.55 a. m.		d5.45 p. m. / a5.20 p. m.	d8.45 p. m. / a4.45 p. m.	6.30 p. m.
Island Pond.	149½													
Summit.	149½													
Island Pond.	149½													
Island Pond.	149½													
Island Pond